

# THE DYSLEXIA HANDBOOK

2018 Update

Procedures Concerning  
Dyslexia and Related  
Disorders

TEXAS EDUCATION AGENCY • AUSTIN, TEXAS

NOVEMBER 2018

# THE DYSLEXIA HANDBOOK

## Procedures Concerning Dyslexia and Related Disorders

### 2018 Update

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## Foreword

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*Reading is the fundamental skill upon which all formal education depends. Research now shows that a child who doesn't learn the reading basics early is unlikely to learn them at all. Any child who doesn't learn to read early and well will not easily master other skills and knowledge and is unlikely to ever flourish in school or life.*

—Moats, 1999

Texas has a long history of supporting the fundamental skill of reading. This history includes a focus on early identification and intervention for children who experience reading difficulties. In support of dyslexia legislation passed by the Texas Legislature, the State Board of Education (SBOE) first approved the handbook, *Dyslexia and Related Disorders: An Overview of State and Federal Requirements* in January 1986.

The SBOE approved new guidelines called the *Revised Procedures Concerning Dyslexia and Related Disorders* in 1992, which were revised in 1998. The handbook was updated again in 2001 and was called *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*. The SBOE continued to stress the importance of using research-based strategies to prevent reading difficulties and provide appropriate instruction to struggling readers in November 2006 when *The Dyslexia Handbook Revised 2007: Procedures Concerning Dyslexia and Related Disorders* was approved. In the summer of 2010, the need arose for an update of the handbook to include new legislation and additional research.

Legislation passed in the 82nd and 83rd Legislative Sessions resulted in the need for revision of the handbook. Consequently, *The Dyslexia Handbook—Revised 2014: Procedures Concerning Dyslexia and Related Disorders* was approved by the SBOE in July 2014. The most recent version, *The Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* implements statutory requirements added by the 85<sup>th</sup> Texas Legislature. *The Dyslexia Handbook* provides guidelines for school districts to follow as they identify and provide services for students with dyslexia and related disorders. Additionally, the handbook provides school districts and parents/guardians with information regarding the state's dyslexia laws and their relation to these federal laws: the Rehabilitation Act of 1973, Section 504 as amended in 2008 (§504), the Americans with Disabilities Amendments Act and the Individuals with Disabilities Education Act (IDEA). This handbook replaces all previous handbooks and guidelines.

There are also designated consultants at each ESC available to assist district stakeholders with implementing state law and SBOE rules and procedures regarding dyslexia. Appendix E of this handbook contains information for the 20 regional education service centers. Or visit [http://www.tea.state.tx.us/regional\\_services/esc/](http://www.tea.state.tx.us/regional_services/esc/).

<p>In addition to <i>The Dyslexia Handbook</i>, resources include a State Dyslexia Network, a State Dyslexia Consultant, and a hotline (1-800-232-3030) at regional Education Service Center (ESC) 10.</p>
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# Acknowledgments

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KEVEN ELLIS

MARTY ROWLEY

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**Dyslexia Committee Members, 2018, for sharing their valuable input and expertise:**

Identification and Services Committee

Steven Aleman	Mary Durham	Geraldine “Tincy” Miller
Dr. Regina Boulware-Gooden	Rebecca Jones	Katharine Muller
Robbi Cooper	Gladys Kolenovsky	Lisa Plemons

Screening Committee

Karen Avrit	Jana Jones	Geraldine “Tincy” Miller
Christine Chien	Dr. R. Malatesha Joshi	Michelle Reeves
Virginia Gonzalez	Kristin McGuire	Mary Yarus

Dysgraphia Committee

Jeffrey Black, M.D.  
Dr. Regina Boulware-Gooden  
Lisa Plemons  
Michelle Reeves

**The Texas Education Agency**

Penny Schwinn  
Chief Deputy Commissioner, Academics

Monica Martinez  
Associate Commissioner, Standards and Support Services

Justin Porter  
State Director, Special Education

Shelly Ramos  
Senior Director, Curriculum Standards and Student Support

Karin Miller  
Reading/Language Arts Coordinator, Curriculum Standards and Student Support

Deanna Clemens  
Technical Assistance Specialist, Special Education

**Education Service Center Region 10**

Dr. Melanie Royal  
State Dyslexia Consultant



## Preface

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In the state of Texas, students who continue to struggle with reading, despite appropriate or intensified instruction, are provided organized systems of reading support. Some students struggle during early reading acquisition while others do not struggle until the later grades, even at the postsecondary level. Here they face more complex language demands (e.g., reading textbooks, academic texts, and other print materials). For many struggling readers, the difficulty may be due to dyslexia. Dyslexia is found in all student populations and languages. Some students with dyslexia may be English learners (ELs) who struggle with reading not only in English, but also in their native language. In Texas, evaluation for dyslexia is conducted from kindergarten through grade 12.

The purpose of *The Dyslexia Handbook* is to provide procedures for school districts, charter schools, campuses, teachers, students, and parents/guardians in early identification of, instruction for, and accommodations for students with dyslexia. This handbook will be used by school districts and charter schools as they develop their written procedures regarding students with dyslexia. It will also serve as a resource for educator preparation programs and other entities seeking guidance in serving students with dyslexia.

Texas Education Code (TEC), §38.003 defines dyslexia and related disorders, mandates screening and testing students for dyslexia and providing instruction for students with dyslexia and gives the State Board of Education (SBOE) authority to adopt rules and standards for screening, testing, and serving students with dyslexia. TEC, §7.028(b) relegates the responsibility for school compliance with the requirements for state educational programs to the local district board of trustees. Title 19 of the Texas Administrative Code (TAC) §74.28 outlines the responsibilities of districts and charter schools in the delivery of services to students with dyslexia. Finally, two federal laws, the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973, Section 504, establish assessment and evaluation standards and procedures for students (34 C.F.R. Part 300 (IDEA), Part 104 (Section 504)).

This handbook reflects current law as well as legislative action from the 84th and 85th sessions of the Texas Legislature and replaces all previous handbook editions. Recent legislation includes the following:

- TEC §21.044(c)(2) outlines the curriculum requirement for teacher preparation programs to include the characteristics of dyslexia, identification of dyslexia, and multisensory strategies for teaching students with dyslexia.
- TEC §21.054(b) and 19 TAC §232.11(e) mandate continuing education requirements for educators who teach students with dyslexia.
- TEC §28.021(b) establishes guidelines for districts when measuring academic achievement or proficiency of students with dyslexia.
- TEC §38.003(a) requires students to be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. Screening must occur at the end of the school year of each student in kindergarten and each student in the first grade.
- TEC §38.0032 requires the Texas Education Agency (TEA) to annually develop a list of training opportunities regarding dyslexia that satisfy continuing education requirements for educators who teach students with dyslexia.
- TEC §38.0031 requires the agency to establish a committee to develop a plan for integrating technology into the classroom to help accommodate students with dyslexia.

- TEC §42.006(a-1) requires school districts and open-enrollment charter schools to report through the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) the number of enrolled students who have been identified as having dyslexia.
- 19 TAC §230.23 requires TEA to provide accommodations for persons with dyslexia who take licensing examinations.

The following chapters are included in this handbook:

- I. Definitions and Characteristics of Dyslexia
- II. Screening
- III. Procedures for the Evaluation and Identification of Students with Dyslexia
- IV. Critical, Evidence-Based Components of Dyslexia Instruction
- V. Dysgraphia

*The Dyslexia Handbook* has 11 appendices:

- A. Questions and Answers
- B. Sources of Laws and Rules for Dyslexia Identification and Instruction
- C. State Laws and Rules Related to Dyslexia
- D. IDEA/Section 504 Side-by-Side Comparison
- E. Contacts for Further Information
- F. Associated Terms
- G. Bibliography
- H. Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities
- I. 2015 U.S. Department of Education Dyslexia Guidance
- J. Addressing Concerns about Dyslexia Programs
- K. History of Dyslexia Law

# I. Definitions and Characteristics of Dyslexia

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The student who struggles with reading and spelling often puzzles teachers and parents. The student displays ability to learn in the absence of print and receives the same classroom instruction that benefits most children; however, the student continues to struggle with some or all of the many facets of reading and spelling. This student may be a student with dyslexia.

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders in the following way:

*“Dyslexia” means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.*

*“Related disorders” include disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.*

TEC §38.003(d)(1)-(2) (1995)

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.003>

The International Dyslexia Association defines “dyslexia” in the following way:

*Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.*

Adopted by the International Dyslexia Association Board of Directors,  
November 12, 2002

Students identified as having dyslexia typically experience primary difficulties in phonological awareness, including phonemic awareness and manipulation, single-word reading, reading fluency, and spelling. Consequences may include difficulties in reading comprehension and/or written expression. These difficulties in phonological awareness are unexpected for the student’s age and educational level and are not primarily the result of language difference factors. Additionally, there is often a **family history** of similar difficulties.

The following are the primary reading/spelling characteristics of dyslexia:

- Difficulty reading words in isolation
- Difficulty accurately decoding unfamiliar words
- Difficulty with oral reading (slow, inaccurate, or labored without prosody)
- Difficulty spelling

It is important to note that individuals demonstrate differences in degree of impairment and may not exhibit all the characteristics listed above.

The reading/spelling characteristics are most often associated with the following:

- Segmenting, blending, and manipulating sounds in words (phonemic awareness)
- Learning the names of letters and their associated sounds
- Holding information about sounds and words in memory (phonological memory)
- Rapidly recalling the names of familiar objects, colors, or letters of the alphabet (rapid naming)

Consequences of dyslexia may include the following:

- Variable difficulty with aspects of reading comprehension
- Variable difficulty with aspects of written language
- Limited vocabulary growth due to reduced reading experiences

### *Sources for Characteristics and Consequences of Dyslexia*

Branum-Martin, L., Fletcher, J. M., & Stuebing, K. K. (2013). Classification and identification of reading and math disabilities: The special case of comorbidity. *Journal of Learning Disabilities, 12*, 906–915.

Fletcher, J. M., Lyon, G. R., Fuchs, L. S., & Barnes, M. A. (2007). *Learning disabilities: From identification to intervention*. New York, NY: The Guilford Press.

The International Dyslexia Association. (2018). *Knowledge and practice standards for teachers of reading*, (2nd ed.). Retrieved from <https://app.box.com/s/21gdk2k1p3bnagdfz1xy0v98j5ytl1w>.

Moats, L. C., & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems*. Baltimore, MD: The International Dyslexia Association.

### Connecting Research and Practice

Research in understanding dyslexia as a neurodevelopmental disorder is ongoing. Future research will assist in learning more about the phonological awareness deficit and how this deficit interacts with other risk factors related to dyslexia. Research is now also focusing on the developmental cause of neural abnormalities and how these predict treatment response.

Pennington, B. F. (2009). *Diagnosing learning disorders: A neuropsychological framework* (2nd ed.). New York, NY: The Guilford Press.

Peterson, R. L., & Pennington, B. F. (2012). Developmental dyslexia. *The Lancet, 379*(9830), 1997–2007.

### Common Risk Factors Associated with Dyslexia

If the following behaviors are unexpected for an individual's age, educational level, or cognitive abilities, they may be risk factors associated with dyslexia. A student with dyslexia usually exhibits several of these behaviors that persist over time and interfere with his/her learning. A **family history** of dyslexia may be present; in fact, recent studies reveal that the whole spectrum of reading disabilities is strongly determined by genetic predispositions (inherited aptitudes) (Olson, Keenan, Byrne, & Samuelsson, 2014).

### **Preschool**

- Delay in learning to talk
- Difficulty with rhyming
- Difficulty pronouncing words (e.g., “pusgetti” for “spaghetti,” “mawn lower” for “lawn mower”)
- Poor auditory memory for nursery rhymes and chants

- Difficulty in adding new vocabulary words
- Inability to recall the right word (word retrieval)
- Trouble learning and naming letters and numbers and remembering the letters in his/ her name
- Aversion to print (e.g., doesn't enjoy following along if a book is read aloud)

### Kindergarten and First Grade

- Difficulty breaking words into smaller parts (syllables) (e.g., "baseball" can be pulled apart into "base" "ball" or "napkin" can be pulled apart into "nap" "kin")
- Difficulty identifying and manipulating sounds in syllables (e.g., "man" sounded out as /m/ /ă/ /n/)
- Difficulty remembering the names of letters and recalling their corresponding sounds
- Difficulty decoding single words (reading single words in isolation)
- Difficulty spelling words the way they sound (phonetically) or remembering letter sequences in very common words seen often in print (e.g., "sed" for "said")

### Second Grade and Third Grade

Many of the previously described behaviors remain problematic along with the following:

- Difficulty recognizing common sight words (e.g., "to," "said," "been")
- Difficulty decoding single words
- Difficulty recalling the correct sounds for letters and letter patterns in reading
- Difficulty connecting speech sounds with appropriate letter or letter combinations and omitting letters in words for spelling (e.g., "after" spelled "eftr")
- Difficulty reading fluently (e.g., slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Reliance on picture clues, story theme, or guessing at words
- Difficulty with written expression

### Fourth Grade through Sixth Grade

Many of the previously described behaviors remain problematic along with the following:

- Difficulty reading aloud (e.g., fear of reading aloud in front of classmates)
- Avoidance of reading (e.g., particularly for pleasure)
- Difficulty reading fluently (e.g., slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Acquisition of less vocabulary due to reduced independent reading
- Use of less complicated words in writing that are easier to spell than more appropriate words (e.g., "big" instead of "enormous")
- Reliance on listening rather than reading for comprehension

### Middle School and High School

Many of the previously described behaviors remain problematic along with the following:

- Difficulty with the volume of reading and written work
- Frustration with the amount of time required and energy expended for reading
- Difficulty reading fluently (e.g., slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Difficulty with written assignments
- Tendency to avoid reading (particularly for pleasure)
- Difficulty learning a foreign language

## Postsecondary

Some students will not be identified prior to entering college as having dyslexia. The early years of reading difficulties evolve into slow, labored reading fluency. Many students will experience extreme frustration and fatigue due to the increasing demands of reading as the result of dyslexia. In making a diagnosis for dyslexia, a student's reading history, familial/genetic predisposition, and assessment history are critical. Many of the previously described behaviors may remain problematic along with the following:

- Difficulty pronouncing names of people and places or parts of words
- Difficulty remembering names of people and places
- Difficulty with word retrieval
- Difficulty with spoken vocabulary
- Difficulty completing the reading demands for multiple course requirements
- Difficulty with note-taking
- Difficulty with written production
- Difficulty remembering sequences (e.g., mathematical and/or scientific formulas)

Appendix H, Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities has been included for additional information.

**Since dyslexia is a neurobiological, language-based disability that persists over time and interferes with an individual's learning, it is critical that identification and intervention occur as early as possible.**

## Associated Academic Difficulties and Other Conditions

The behaviors in the previous sections represent common difficulties that students with dyslexia may exhibit. In addition, students with dyslexia may have problems in written expression, reading comprehension, and mathematics, as well as other complicating conditions and/or behaviors.

Besides academic struggles, some students with dyslexia may exhibit other complex conditions and/or behaviors. The most common co-occurring disorders with dyslexia are attention deficit hyperactivity disorder (ADHD) and specific developmental language disorders (Snowling & Stackhouse, 2006, pp. 8–9). Some, though not all, students with dyslexia may also experience symptoms such as anxiety, anger, depression, lack of motivation, or low self-esteem. In such instances, appropriate instructional/referral services need to be provided to ensure each student's needs are met.

These additional conditions can have a significant impact on the effectiveness of instruction provided to students with dyslexia. Motivation, in particular, has been shown to be critical to the success or failure of instructional practices. Regarding motivation, Torgesen states (as cited in Sedita, 2011), "Even technically sound instructional techniques are unlikely to succeed unless we can ensure that, most of the time, students are engaged and motivated to understand what they read" (p. 532). Acknowledging that students with dyslexia must exert extra effort to meet grade level expectations, all the factors that may affect learning must be considered when identifying and providing instruction for students with dyslexia. ADHD or symptoms of anxiety, anger, depression, or low self-esteem may lower a student's engagement in learning. Educators and parents should provide students with affirmation and an environment that fosters engagement and success.

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## II. Screening

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### Overview of Chapter II

The purpose of Chapter II is to further clarify the following topics related to screening for dyslexia:

- The definition of universal screening
- Administration of screening instruments
- Interpretation of screening results
- Best practices for ongoing monitoring

**Part A** of Chapter II will cover the definition of universal screening, as well as the local, state, and federal requirements related to dyslexia and related disorders, including the Child Find requirement imposed under IDEA.

**Part B** will address the administration of the required screening instruments for kindergarten and grade 1 students.

**Part C** will cover how the interpretation of the screening results affect the decisions that the school will make to determine when a student is at risk for reading difficulties, including dyslexia or a related disorder.

**Part D** will address ongoing monitoring of students throughout their academic careers.

### Part A: Universal Screening and State and Federal Requirements

#### **The Importance of Early Screening**

*If the persistent achievement gap between dyslexic and typical readers is to be narrowed, or even closed, reading interventions must be implemented early, when children are still developing the basic foundation for reading acquisition. The persistent achievement gap poses serious consequences for dyslexic readers, including lower rates of high school graduation, higher levels of unemployment, and lower earnings because of lowered college attainment. Implementing effective reading programs early, even in preschool and kindergarten, offers the potential to reduce and perhaps even close the achievement gap between dyslexic and typical readers and bring their trajectories closer over time.*

—Ferrer, et al., Achievement Gap in Reading Is Present as Early as First Grade and Persists through Adolescence, 2015

The early identification of students with dyslexia along with corresponding early intervention programs for these students will have significant implications for their future academic success. In the book *Straight Talk about Reading*, Hall and Moats (1999) state the following:

- Early identification is critical because the earlier the intervention, the easier it is to remediate.
- Inexpensive screening measures identify at-risk children in mid-kindergarten with 85 percent accuracy.
- If intervention is not provided before the age of eight, the probability of reading difficulties continuing into high school is 75 percent (pp. 279–280).

Research continues to support the need for early identification and assessment (Birsh, 2018; Sousa, 2005; Nevills & Wolfe, 2009). The rapid growth of the brain and its responsiveness to instruction in the primary years make the time from birth to age eight a critical period for literacy development (Nevills & Wolfe, 2009). Characteristics associated with reading difficulties are connected to spoken language. Difficulties in young children can be assessed through screenings of phonemic awareness and other phonological skills (Sousa, 2005). Additionally, Eden (2015) points out that “when appropriate intervention is applied early, it is not only more effective in younger children, but also increases the chances of sparing a child from the negative secondary consequences associated with reading failure, such as decline in self-confidence and depression.”

Keeping the above information in mind, it is essential to screen students for dyslexia and related disorders early in their academic careers.

## State Requirements

Prior to 2017, Texas state law required the testing of students for dyslexia and related disorders “at appropriate times.” Appropriate times depended on multiple factors as determined by each school district or charter school, including the student’s reading performance, reading difficulties, poor response to evidence-based reading instruction, teachers’ input, and parent/guardian input. While screening for dyslexia and related disorders was encouraged by the SBOE, there was no mandate to do so. In 2017, the 85<sup>th</sup> Texas Legislature passed House Bill (HB) 1886, amending TEC §38.003, Screening and Treatment for Dyslexia,<sup>1</sup> to require that all kindergarten and first-grade public school students be screened for dyslexia and related disorders. Additionally, the law requires that all students beyond first grade be screened or tested as appropriate.

In response to the screening requirements of HB 1886, the SBOE amended its rule in 19 TAC §74.28, Students with Dyslexia and Related Disorders. While this rule speaks primarily to evaluation and identification of a student with dyslexia or related disorders, it also requires that evaluations only be conducted by appropriately trained and qualified individuals. Guidelines regarding the required screening for kindergarten and first-grade students are discussed below in Part B of this chapter.

A related state law adds an additional layer to screening requirements for public school students. Texas Education Code §28.006, Reading Diagnosis, requires each school district to administer to students in kindergarten, first grade, and second grade a reading instrument to diagnose student reading development and comprehension. This law also requires school districts to administer a reading instrument at the beginning of seventh grade to students who did not demonstrate reading proficiency on the grade 6 state reading assessment. The law also requires the commissioner of education to select appropriate reading instruments for inclusion on a commissioner’s list, and districts are permitted to use reading instruments other than those on the commissioner’s list only when a district-level committee adopts these additional instruments. Texas Education Code §28.006(e) requires each district to report the results of these reading instruments to the district’s board of trustees, TEA, and the parent or guardian of each student. Further, a school district is required to notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined to be at risk for dyslexia or other reading difficulties based on the results of

<sup>1</sup> For the full text of the state laws and rules referenced in this chapter, please refer to Appendix C, State Laws and Rules Concerning Dyslexia and Related Disorders.

the reading instruments. In accordance with TEC §28.006(g), an accelerated reading instruction program must be provided to these students.

*Are the dyslexia screening under TEC §38.003  
and the early reading diagnosis under TEC §28.006 the same?*

The answer to this question is not a simple one. School districts must meet the requirements of TEC §28.006 and §38.003, both of which deal, at least in part, with early screening for dyslexia. The criteria developed for the kindergarten and grade 1 screening instrument are designed to meet the requirements of both laws.

***Should a district wish to use a single instrument to meet the requirements of both TEC §28.006 and §38.003, the district may, but is not required to do so.***

It is important to note that TEC §38.003 applies only to the screening of students in kindergarten and grade 1 for dyslexia and related disorders, whereas TEC §28.006 addresses general reading diagnoses for students in kindergarten and grades 1, 2, and 7. Districts that decide to use one instrument to meet the requirements of both the dyslexia screening and the early reading diagnosis for kindergarten and grade 1 must also continue to administer reading instruments to all second-grade students and to students in grade 7 who did not demonstrate proficiency on the state reading assessment for grade 6.

The current Commissioner's List of Reading Instruments includes instruments that meet the requirements of TEC §28.006 and is available on the Texas Education Agency (TEA) website at <https://tea.texas.gov/WorkArea/DownloadAsset.aspx?id=51539609421>. Beginning in 2019, the Commissioner's List of Reading Instruments also identifies screeners. The intent of the Commissioner's List of Reading Instruments is to identify a subset of instruments that serve as dyslexia screeners. These instruments will meet the requirements of both the early reading diagnosis under TEC §28.006 and the dyslexia screening under TEC §38.003. The change is intended to allow districts and charter schools to use an instrument from the approved list to satisfy both requirements should they choose to do so.

Should it be determined that funds are not available for the early reading instruments under TEC §28.006, districts are not required to notify parents/guardians of or implement the accelerated reading program. However, districts and charter schools must screen all students in kindergarten and grade 1 for dyslexia and related disorders regardless of the availability of funding.

While this chapter primarily addresses the screening required under TEC §38.003 for kindergarten and grade 1, the screening and ongoing monitoring of *all students* should be done regularly according to district, state, and federal laws and procedures.

## **Dyslexia Screening**

### *Universal Screening*

For purposes of this chapter, screening is defined as a universal measure administered to **all** students by qualified personnel to determine which students are at risk for dyslexia or reading difficulties and/or a related disorder. Screening is not a formal evaluation.

## *Timing of Screening*

Texas Education Code §38.003 mandates that kindergarten students be screened at the end of the school year. In scheduling the kindergarten screener, districts and charter schools should consider the questions in Figure 2.1 below.

<b>Figure 2.1. Considerations for Local Scheduling of Dyslexia Screening</b>
<ul style="list-style-type: none"><li>• Has adequate time for instruction been provided during the school year?</li><li>• Has adequate time been provided to compile data prior to the end of the school year?</li><li>• How will the timing of the administration of the screener fit in with the timing of other required assessments?</li><li>• Has sufficient time been provided to inform parents in writing of the results of the reading instrument and whether the student is at risk for dyslexia or other reading difficulties?</li><li>• Has adequate time been provided for educators to offer appropriate interventions to the student?</li><li>• Has sufficient time been provided for decision making regarding next steps in the screening process? (For information regarding next steps, refer to Figure 2.5, Universal Screening and Data Review for Reading Risk flowchart, p. 17)</li></ul>

Texas Education Code §38.003 does not explicitly state when first grade students must be screened. The SBOE, through approval of the rule which requires adherence to this handbook (TAC §74.28), has determined that students in first grade must be screened no later than the middle of the school year. Screening of first-grade students can begin anytime in the fall as the teacher deems appropriate. The grade 1 screening must conclude no later than January 31 of each year.

The timing of the grade 1 screening is designed to ensure that students are appropriately screened, and if necessary, evaluated further so that reading difficulties will be addressed in a timely manner. Because kindergarten is not mandatory in the State of Texas, some students will not have been enrolled in kindergarten and will therefore not have been screened prior to the first grade. Waiting too long in the first-grade year would delay critical early intervention for students at risk for dyslexia or reading difficulties. Screening of first grade students by the middle of the school year will ensure that sufficient time is provided for data gathering, evaluation, early intervention, etc., to meet the needs of students. Conducting the grade 1 screening no later than the middle of the school year will allow districts and charter schools to complete the evaluation process with enough time for interventions to be provided to the student prior to the end of first grade.

## *Other Related Disorders*

It is important to note that, while TEC §38.003 requires that all students in kindergarten and grade 1 be screened for dyslexia and related disorders, at the time of the update to this handbook it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other identified related disorders. For more information on dysgraphia, please see Chapter V: Dysgraphia.

## **Local District Requirements**

Each district may have additional policies and procedures in place regarding screening and evaluating students for dyslexia and related disorders. Refer to your district's website or administrative office for more information on local policies or search for information specific to your school district or charter school by accessing the Legal Framework at <http://framework.esc18.net/>.

## Child Find

In addition to state and local requirements to screen and identify students who may be at risk for dyslexia, there are also overarching federal laws and regulations to identify students with disabilities, commonly referred to as Child Find. Child Find is a set of provisions in the Individuals with Disabilities Education Act (IDEA), a federal law that requires, in part, that states have processes in place for identifying and evaluating children with disabilities who may need special education and related services. The purpose of IDEA is to ensure a free and appropriate public education for children with disabilities (20 U.S.C. §1400(d); 34 C.F.R. §300.1).

Another federal law that affects children with disabilities in public school is Section 504 of the Rehabilitation Act of 1973, commonly referred to as Section 504. Under Section 504, public schools must annually attempt to identify and locate every qualified person with a disability residing in its jurisdiction and to notify persons with disabilities and/or their parents of the requirements of Section 504.

It is important to note that IDEA and Section 504 separately define what it means to be a “child with a disability” and a “qualified disabled person.” As these are different definitions and different laws, questions regarding this information should be directed to the campus or district’s special education personnel and Section 504 coordinators. For more information on federal Child Find requirements, please refer to the IDEA/Section 504 Side-by-Side chart provided in Appendix D of this handbook.

## Part B: Kindergarten-Grade 1 Universal Screening: Administration

*Dyslexia screening is a tool for identifying children who are at risk for this learning disability, particularly in preschool, kindergarten, or first grade. This means that the screening does not “diagnose” dyslexia. Rather, it identifies “predictor variables” that raise red flags, so parents and teachers can intervene early and effectively.*

—Richard Selznick, *Dyslexia Screening: Essential Concepts for Schools and Parents*, 2015

**The importance of early interventions for students with reading difficulties cannot be overstated.** In order for early interventions to be provided, a student must first be identified as at risk for dyslexia or another reading difficulty. While educators once delayed identification of reading difficulties until the middle elementary grades, recent research has encouraged the identification of children at risk for dyslexia and reading difficulties “prior to, or at the very least, the beginning of formal reading instruction” (Catts, 2017).

The requirement in TEC §38.003 that all kindergarten and first grade students be screened for dyslexia and related disorders is aligned with this shift to identify students at risk for dyslexia and reading difficulties when they are just beginning their formal education. Universal screeners generally measure reading or literacy-related skills such as sound-symbol recognition, letter knowledge, phonological awareness, and other skills. The International Dyslexia Association (2017) describes screening instruments as follows.

*Screening measures, by definition, are typically brief assessments of a skill or ability that is highly predictive of a later outcome. Screening measures are designed to quickly differentiate students into one of two groups: 1) those who require intervention and 2) those who do not. A screening measure needs to focus on specific skills that are highly correlated with broader measures of reading achievement resulting in a highly accurate sorting of students.*

—International Dyslexia Association, *Universal Screening: K-2 Reading*, 2017

# Screening Instruments

While screening instruments can measure the skills and abilities of students at different grade levels, this section is dedicated to a discussion of instruments that may meet the dyslexia screening requirement for kindergarten and first grade students. As previously mentioned, at the time of the update to this handbook it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other identified related disorders. As a result, the focus of this section is on screening instruments for dyslexia and reading difficulties.

It is important that screening instruments be accurate and comprehensive; however, they need not be as comprehensive as an extensive individualized evaluation. With this in mind, various types of instruments that meet the criteria below could be used to screen for dyslexia.

In developing the criteria for the kindergarten and grade 1 screening instruments for dyslexia and other reading difficulties, it was important to differentiate between the skills and behaviors appropriate at each grade level. Additionally, with a sizable English Learner (EL) population in Texas, it was essential that Spanish language screening instruments be addressed. Therefore, criteria for both English and Spanish speakers are included.

## Screeener Criteria

Regardless of the primary language of the student, instruments used to screen for dyslexia and other reading difficulties must address the skills in Figure 2.2 below.

Figure 2.2. Criteria for English and Spanish Screening Instruments	
Kindergarten	First Grade
<ul style="list-style-type: none"><li>• Phonological Awareness</li><li>• Phonemic Awareness</li><li>• Sound-Symbol Recognition</li><li>• Letter Knowledge</li><li>• Decoding Skills</li><li>• Spelling</li><li>• Listening Comprehension</li></ul>	<ul style="list-style-type: none"><li>• Phonological Awareness</li><li>• Phonemic Awareness</li><li>• Sound-Symbol Recognition</li><li>• Letter Knowledge</li><li>• Decoding Skills</li><li>• Spelling</li><li>• Reading Rate</li><li>• Reading Accuracy</li><li>• Listening Comprehension</li></ul>

While the selected screening instrument will be expected to measure each of the skills identified above, it is important that individuals who administer the screening instrument document student behaviors observed during the administration of the instrument. A list of behaviors that may be observed during the administration of the screening and which should be documented are included in Figure 2.3 below.

**Figure 2.3. Student Behaviors Observed During Screening**

- Lack of automaticity
- Difficulty sounding out words left to right
- Guessing
- Self-correcting
- Inability to focus on reading
- Avoidance behavior

### *Other Criteria*

In addition to the measures of the skills identified in Figure 2.2 above, other criteria should be considered when selecting a screening instrument. Approved screening instruments must take only a brief time to administer and be cost effective. They must have established validity and reliability and standards. They must also include distinct indicators identifying students as either not at risk or at risk for dyslexia or reading difficulties. Screening instruments must also provide standardized directions for administration as well as clear guidance for the administrator regarding scoring and interpretation of indicators/results. Additionally, each screening instrument must include adequate training for educators on how to administer the instrument and interpret results.

### **Selecting an Appropriate Screening Instrument**

Screening instruments must include a measure for each of the skills noted above. The commissioner of education is expected to periodically issue a request for English and Spanish screening instruments that meet the established criteria. Instruments that meet each of the criteria will be included on the Commissioner's List of Reading Instruments. A district or charter school must select for use an instrument from the commissioner's list. In determining which screening instrument to use, a district or charter school must consider the primary language of the student and other factors as determined by the local district or school.

### **Administration of Screening Instruments**

#### *Who May Administer the Dyslexia Screener*

A district or charter school must ensure that appropriately trained and qualified individuals administer and interpret the results of the selected screening instrument. Please note that an educational aide is not eligible to administer or interpret the dyslexia screening instrument. Individuals who administer and interpret the screening instrument must, at minimum, meet the following qualifications:

- An individual who is certified/licensed in dyslexia; or
- A classroom teacher who holds a valid certification for kindergarten and grade 1.  
(For a list of current certifications for kindergarten and grade 1, see the State Board for Educator Certification Teacher Assignment Chart at [https://tea.texas.gov/Texas\\_Educators/Certification/](https://tea.texas.gov/Texas_Educators/Certification/).)

**BEST PRACTICE:** Whenever possible, the student's current classroom teacher should administer the screening instrument for dyslexia and reading difficulties.



## *Training*

The individual who administers and interprets the screening instrument must receive training designed specifically for the selected instrument in the following:

- Characteristics of dyslexia and other reading difficulties
- Interpretation of screening results and at-risk indicators and decisions regarding placement/services

## *When to Administer the Dyslexia/Reading Screener*

Districts and charter schools must implement a screening program that includes each of the following:

- Screening of **each** student in kindergarten at the end of the school year
- Screening of **each** student in the first grade no later than January 31

For more information on considerations regarding the scheduling of the mandated dyslexia screening, please refer to Part A, Dyslexia Screening, on p. 10.

## Part C—Kindergarten-Grade 1 Universal Screening: Interpretation

The importance of early intervention cannot be overstated. Intervening early, before difficulties become intractable, offers the best hope for successful outcomes and prevention of long-term deficits. The purpose of screening is to help identify, as early as possible, the students at risk for dyslexia or other reading difficulties so that targeted intervention can be provided. Screening alone will never improve outcomes for students. The screening must lead to effective instruction for it to be useful. Therefore, once the screening has been administered the next steps are to analyze results, identify level of risk for each student, and make informed decisions. The next steps are broadly categorized as: refer for evaluation, implement targeted intervention, and/or continue with core instruction.

There are several important factors to consider when interpreting screening results. First, it is important to remember that there is no definitive test score that invariably identifies dyslexia. Dyslexia is a neurobiological disorder that exists along a continuum of severity. Similar to diabetes or hypertension, dyslexia is identified based on how far an individual's condition departs from the average range. This makes the identification of dyslexia more challenging than identifying other forms of disability.

Second, it is important to keep the definition and goals of screening in mind. The purpose of screening is to differentiate a smaller set of individuals who may be at risk for dyslexia. Screening, by definition, should never be the final determination of whether a student has dyslexia. Therefore, screening tools must be brief, efficient, and cost effective. Subsequent consideration of other data and information with the smaller group is then used to determine next steps. However, it is key to remember that "screening" represents the initial step in the process. Dyslexia identification, as addressed in Chapter III, should be individualized and based on multiple pieces of information, including results of the screening.

As with any evaluation, it is important that schools administer and interpret the screening instrument with fidelity. Screening tools use norm-referenced criteria to establish cut points derived by the publisher of the tool. Cut points are used to group students into categories (e.g., at risk or not at risk) based on the results of the screening tool. Districts and charter schools must adhere to the cut points established by the published screening tool.



In general, students scoring below the publisher-determined cut point are considered “at risk” for dyslexia, while those who score above the cut point are considered “not at risk” for dyslexia. However, it is important to realize that risk falls on a continuum and there will always be false positives (students who screen at risk when they are not) and false negatives (students who screen not at risk when they are). Consequently, continual progress monitoring and an ongoing review of data is important. Any student may be referred for an evaluation at any time, regardless of the results of the screening instrument.

Students falling well below the cut point have a much higher probability of being at risk for dyslexia whereas students scoring well above the cut point have low probability of being at risk for dyslexia. The decision for what to do next is easiest for students whose scores fall at the extreme ends of the continuum. Students falling well above the cut point can be considered at low risk for dyslexia and are much less likely to need additional intervention or evaluation. Students scoring far below the cut point should be considered at high risk for dyslexia.

For students who are identified as at risk for dyslexia, the school should provide targeted intervention provided by the appropriate staff as determined by the district or charter school. The district or school should also continue the data collection and evaluation process outlined in Chapter III, Procedures for the Evaluation and Identification of Students with Dyslexia. It is important to note that the use of a tiered intervention process, such as Response to Intervention or RTI, must not be used to delay or deny an evaluation for dyslexia, especially when parent or teacher observations reveal the common characteristics of dyslexia.

For students who score close to the cut point, more information is needed to make an informed decision regarding referral for evaluation, implementation of targeted interventions with progress monitoring, or continuation of core instruction only. Data gathering will provide this additional information.

## Screening Data Gathering

Both quantitative and qualitative information are critical components of the screening process. Examples of quantitative and qualitative information used in determining next steps are provided in Figure 2.4 below.

Figure 2.4. Sources and Examples of Screening Data	
Quantitative Information	Qualitative Information
<p>Results of—</p> <ul style="list-style-type: none"> <li>• Current screening instruments</li> <li>• Previous screening instruments</li> <li>• Formal and informal classroom reading assessments</li> <li>• Additional brief and targeted skill assessments</li> </ul>	<ul style="list-style-type: none"> <li>• Observations of student during screening (See Figure 2.3, Student Behaviors Observed During Screening)</li> <li>• Other observations of student progress</li> <li>• Teacher observations</li> <li>• Parent/guardian input (e.g., family history, early language skills)</li> <li>• Current student work samples</li> <li>• Work samples from earlier grade(s)</li> <li>• Intervention history</li> </ul>

For students who fall close to the predetermined cut points, implementation of short-term, targeted intervention with regular progress monitoring is one way to determine if additional evaluation is needed.

Teachers and administrators should also be mindful that screening for risk is an ongoing process. Decisions made based on a single-point-in-time screening instrument should always be reevaluated and altered as more information is obtained as instruction continues. See Part D, Best Practices for Ongoing Monitoring, of this chapter for additional information.

Screening data should always be shared with parents. Screening data should also be used by school teachers and administrators to guide instruction at the classroom level. When large percentages of students fall below the cut point (are at risk for dyslexia), it signals a need to review instructional programming and practices and teacher training in effective and explicit reading instruction.

## Interpretation of Data

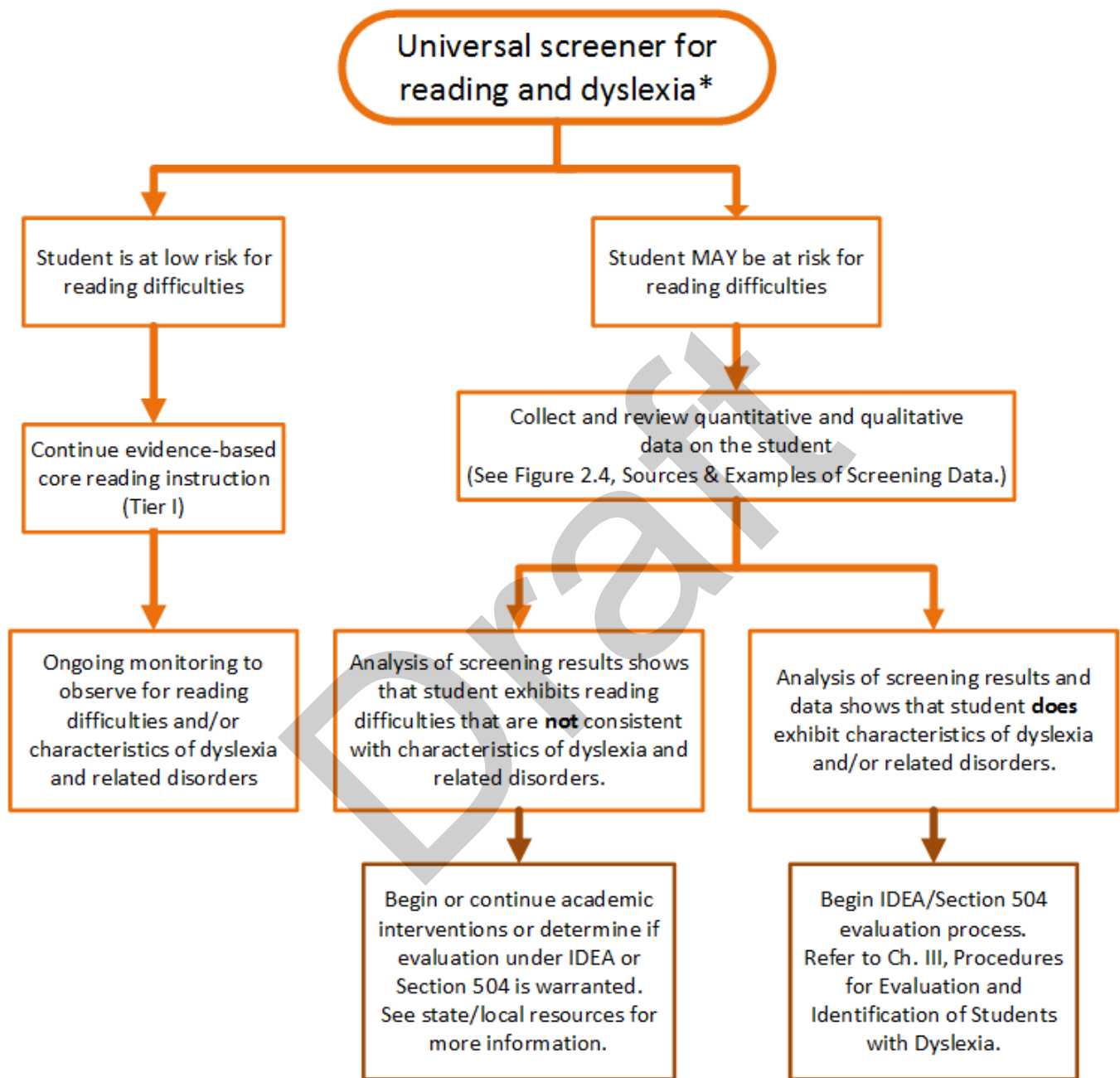
A qualified team is required to review all data to make informed decisions regarding whether a student exhibits characteristics of dyslexia. This team must consist of individuals who—

- have knowledge of the student;
- are appropriately trained in the administration of the screening tool;
- are trained to interpret the quantitative and qualitative results from the screening process; and
- recognize characteristics of dyslexia.

The team may consist of the student's classroom teacher, the dyslexia specialist, the individual who administered the screener, a representative of the Language Proficiency Assessment Committee (LPAC) (as appropriate), and an administrator. If the process of identification is initiated under IDEA, the team must also include the parent and all IDEA procedures must be followed.

The **Universal Screening and Data Review for Reading Risk flowchart** that follows in Figure 2.5 provides information regarding the decisions the schools will make for each student as the school reviews screening results. **It is important to remember that any point in the process a referral for a dyslexia evaluation may be made either under Section 504 if a disability is suspected or under IDEA if a disability and a corresponding need for special education services are suspected.** Regardless of the process in place for screening and data review, a student may be recommended for a dyslexia evaluation whenever accumulated data indicates that the student continues to struggle with one or more of the components of reading. Parents/guardians have the right to request a referral for a dyslexia evaluation under IDEA or Section 504 at any time. Districts must ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of tiered interventions or RTI.

Figure 2.5  
Universal Screening and Data Review for  
Reading Risk



A referral may be made at any point under either Section 504 if a disability is suspected or IDEA if a disability and a corresponding need for special education services are suspected.

\*Testing and screening in accordance with TEC §28.006 and §38.003(a)

## Part D: Best Practices for Ongoing Monitoring

Ongoing progress monitoring allows educators to assess student academic performance in order to evaluate student response to evidence-based instruction. Progress monitoring is also used to make diagnostic decisions regarding additional targeted instruction that may be necessary for the student.

While some kindergarten and first grade students may not initially appear to be at risk for dyslexia based on screening results, they may actually still be at risk. Students who have learned to compensate for lack of reading ability and twice-exceptional students are two groups who may not initially appear to be at risk for dyslexia based on the results of a screening instrument.

### **Compensation**

Some older students may not appear at first to exhibit the characteristics of dyslexia. They may demonstrate relatively accurate, but not fluent, reading.

*The consequence is that such dyslexic older children may appear to perform reasonably well on a test of word reading or decoding; on these tests, credit is given irrespective of how long it takes the individual to respond or if initial errors in reading are later corrected.*

—Shaywitz, S.E., Morris, R., Shaywitz, B.A., *The Education of Dyslexic Children from Childhood to Young Adulthood*, 2008

Awareness of this developmental pattern is critically important for the diagnosis in older children, young adults, and beyond. According to Shaywitz, et al., examining reading fluency and reading rate would provide more accurate information for these students.

### **Twice Exceptionality**

Twice-exceptional students may not initially appear to be at risk for dyslexia. Twice exceptional, or 2e, is a term used to describe students who are both intellectually gifted and learning disabled, which may include students with dyslexia. Parents and teachers may fail to notice either giftedness or dyslexia in student as the dyslexia may mask giftedness or the giftedness may mask dyslexia.

The International Dyslexia Association's Gifted and Dyslexic: Identifying and Instructing the Twice Exceptional Student Fact Sheet (2013), identifies the following common characteristics of twice-exceptional students.

- Superior oral vocabulary
- Advanced ideas and opinions
- High levels of creativity and problem-solving ability
- Extremely curious, imaginative, and questioning
- Discrepant verbal and performance skills
- Clear peaks and valleys in cognitive test profile
- Wide range of interests not related to school
- Specific talent or consuming interest area
- Sophisticated sense of humor

For additional information on twice-exceptional students, see Chapter IV, Critical, Evidence-based Components of Dyslexia Instruction.

For a description of common risk factors of dyslexia that may be seen in older students, refer to Chapter I, Definitions & Characteristics of Dyslexia.

## Best Practices in Progress Monitoring

It is essential that schools continue to monitor students for common risk factors for dyslexia in second grade and beyond. In accordance with TEC §38.003(a), school districts **MUST** evaluate for dyslexia at appropriate times. If regular progress monitoring reflects a difficulty with reading, decoding, and/or reading comprehension, it is appropriate to evaluate for dyslexia. When a student is not reaching grade-level benchmarks because of a reading difficulty, a dyslexia screening or evaluation is appropriate and considered best practice. Schools should be aware that a student may have reached middle school or high school without ever being screened, evaluated, or identified; however, the student may have dyslexia or a related disorder. One goal of ongoing monitoring is to identify these students regardless of their grade level.

**Therefore, it is important to remember that a referral for a dyslexia evaluation can be considered at any time kindergarten–high school.**

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### III. Procedures for the Evaluation and Identification of Students with Dyslexia

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*Science has moved forward at a rapid pace so that we now possess the data to reliably define dyslexia, to know its prevalence, its cognitive basis, its symptoms and remarkably, where it lives in the brain and evidence-based interventions which can turn a sad, struggling child into not only a good reader, but one who sees herself as a student with self-esteem and a fulfilling future.*

—Shaywitz, S.E. Testimony Before the Committee on Science, Space, and Technology, U.S. House of Representatives, 2014

The identification and intervention process for dyslexia can be multifaceted. These processes involve both state and federal requirements that must be followed. The evaluation, identification, and provision of services for students with dyslexia are guided by both the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. **The law that applies to an individual student is determined by data and the student's individual needs.** Further information about these laws and how they apply are discussed throughout this handbook. Appendix D, IDEA/Section 504 Side-by-Side chart, provides a summary of these two federal laws.

In Texas and throughout the country, there is a focus on a Response to Intervention (RTI) or tiered intervention process as a vehicle for meeting the academic and behavioral needs of all students. The components of the Student Success Initiative (SSI) and other state-level programs offer additional support. Current federal legislation under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), calls for the use of benchmark assessments for early identification of struggling students before they fail. In fact, state law requires the use of early reading assessments that are built on substantial evidence of best practices. Carefully chosen, these assessments can give crucial information about a student's learning and can provide a basis for the tiered intervention model. Through the tiered intervention process, schools can document students' learning difficulties, provide ongoing evaluation, and monitor reading achievement progress for students at risk for dyslexia or other reading difficulties.

Early intervention is further emphasized as the result of research using neuroimaging. Diehl, Frost, Mencl, and Pugh (2011) discuss the need to determine the role that deficits in phonological awareness and phonemic awareness play in reading acquisition, thus improving our methodology for early intervention. The authors note that future research will be enabled by longitudinal studies of phonology remediation using various treatments. "It will be especially important to take a multilevel analysis approach that incorporates genetics, neuroanatomy, neurochemistry, and neurocircuitry, and also to combine the strengths of the different neuroimaging techniques" (Diehl et al., 2011, p. 230). Evaluation followed by structured intervention that incorporate new scientific research must be embraced.

## The Referral Process for Dyslexia and Related Disorders

The determination to refer a student for an evaluation must always be made on a case-by-case basis and must be driven by data-based decisions. The referral process itself can be distilled into a basic framework as outlined below.

### **Data-Driven Meeting of Knowledgeable Persons**

A team of persons with knowledge of the student, instructional practices, and possible service options meets to discuss data collected and the implications of that data. These individuals include, but are not limited to, the classroom teacher, an administrator, a dyslexia specialist, and/or an interventionist. This team may also include the parents and/or a diagnostician familiar with testing and interpreting evaluation results. This team may have different names in different districts and/or campuses. For example, the team may be called a student success team, student support team, student intervention team, or even something else. This team of knowledgeable persons is not an Admission, Review, and Dismissal (ARD) committee or a Section 504 committee, although many of these individuals may be on a future committee if the student is referred for an evaluation and qualifies for services and/or accommodations.

#### *When the Data Does Not Lead to a Suspicion of Dyslexia or a Related Disorder*

If the team determines that the data does not give the members reason to suspect that a student has dyslexia, a related disorder, or other disability, the team may decide to provide the student with additional support in the classroom or through the RTI process. However, the student is not referred for an evaluation at this time.

#### *When the Data Lead to a Suspicion of Dyslexia or a Related Disorder*

If the team suspects that the student has dyslexia or a related disorder, the team should consider the type of instruction that would best meet the student's needs.

**Standard protocol dyslexia instruction** includes the critical, evidence-based components of and delivery methods for dyslexia instruction addressed in detail in Chapter IV of this handbook. Components of this instruction include, among other things, phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. Principles for effective delivery of content must be consistent with research-based practices, including a multisensory, systematic, cumulative, and explicit approach. Standard protocol dyslexia instruction is not individualized or specialized. Rather, it is programmatic instruction delivered to a group of students. Refer to Chapter IV for more information on standard protocol dyslexia instruction.

**Specially designed instruction** is defined under IDEA as “adapting . . . the content, methodology, or delivery of instruction” to a child eligible under IDEA. This instruction must address the unique needs of the child that result from the child's disability and must ensure access to the general curriculum so that the child can meet the state's educational standards (34 C.F.R §300.39(b)(3)). In some cases, the data may suggest that the unique needs of a student suspected of having dyslexia require a more individualized program than that offered through standard protocol dyslexia instruction. When this is the case, there is reason to suspect that special education services are necessary for the student.



### *When the Data Lead to a Suspicion of Dyslexia or a Related Disorder AND the Need for Special Education Services*

If the team determines that the data lead to the suspicion of a disability and that special education services are necessary to provide specially designed instruction, the team must refer the student for an evaluation under IDEA. It is important to note that a student with dyslexia who is served through special education should also receive dyslexia instruction (as described in Chapter IV, Critical, Evidence-based Components of Dyslexia Instruction) that is individualized to meet the student's unique needs.

### *When the Data Lead ONLY to Suspicion of Dyslexia or a Related Disorder*

If—based on the data—the team suspects that a student has dyslexia or a related disorder but does not believe that special education is necessary to meet the student's needs, the team must refer the student for an evaluation under Section 504. If the student qualifies as a student with dyslexia, the student may receive standard protocol dyslexia instruction and accommodations under Section 504.

### **Dyslexia Referral Timelines**

When a referral for a dyslexia evaluation is made under IDEA, Texas law establishes that a full individual and initial evaluation (FIE) must be completed within 45-school days from the time a district or charter school receives consent. Section 504, however, does not require specific timelines. Therefore, it is beneficial for districts to consider the timelines Texas has established for special education evaluations through TEC §29.004(a). The OCR looks to state timelines as a guideline when defining a "reasonable amount of time" should a complaint be filed regarding evaluation procedures.

As referenced in the 2011 letter from the Office of Special Education Programs (OSEP) to the State Directors of Special Education, states have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of the RTI process (Musgrove, 2011). For more information, please visit [www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf](http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf).

**Progression through RTI is not required in order to begin the identification of dyslexia.** The use of tiered intervention may be part of the identification and data collection process, but it is not required and must not delay or deny an evaluation for dyslexia, especially when parent or teacher observations reveal the common characteristics of dyslexia. A district or charter school must move straight to evaluation under either Section 504 if they suspect a student has a disability or under IDEA if they suspect a disability and a corresponding need for special education services. Tiered interventions and initiation or continuation of evaluation can occur simultaneously. The needs of the students must be the foremost priority. Frequently, a child with dyslexia may be making what appears to be progress in the general education classroom based on report card grades or minor gains on progress measures. While various interventions may prove to be helpful in understanding curriculum, a child with dyslexia also requires intervention to address the child's specific reading disability. **If using a tiered intervention process, RTI should include dyslexia intervention once dyslexia is identified.**

**Parents/guardians always have the right to request a referral for a dyslexia evaluation at any time.** Once a parent request for dyslexia evaluation has been made, the school district is obligated to review the student's data history (both formal and informal data) to determine whether there is reason to suspect the student has a disability. If a disability is suspected, the student needs to be evaluated following the guidelines outlined in this chapter. IDEA and Section 504 have different requirements that must be followed if the school does not

suspect a disability and determines that evaluation would *not* be warranted. Under IDEA, schools must give parents prior written notice of a refusal to evaluate, including an explanation of why the school refuses to conduct an initial evaluation, the information that was used as the basis for the decision, and a copy of the *Notice of Procedural Safeguards*. Section 504 does not require prior written notice; however, best practice is to provide a parent with an explanation of the reasons an evaluation is denied. The Office for Civil Rights (OCR) recommends that districts be able to provide documentation that the denial was based on data to support there is no disability. For additional information regarding identification and procedural safeguards under IDEA and Section 504, refer to Appendix D, IDEA/Section 504 Side-by-Side chart.

## State and Federal Law Regarding Early Identification and Intervention Prior to Formal Evaluation

Both state and federal legislation emphasize early identification and intervention for students who may be at risk for reading disabilities such as dyslexia. Those professionals responsible for working with students with reading difficulties should be familiar with the legislation listed in Figure 3.1 below.

**Figure 3.1. State and Federal Laws**

### *TEC §28.006, Reading Diagnosis*

This state statute requires schools to administer early reading instruments to all students in kindergarten and grades 1 and 2 to assess their reading development and comprehension. Additionally, the law requires a reading instrument from the Commissioner's approved list be administered at the beginning of grade 7 to any student who did not demonstrate proficiency on the reading assessment administered under TEC §39.023(a). If, on the basis of the reading instrument results, students are determined to be at risk for dyslexia or other reading difficulties, the school must notify the students' parents/guardians. According to TEC §28.006(g), the school must also implement an accelerated (intensive) reading program that appropriately addresses the students' reading difficulties and enables them to catch up with their typically performing peers.

### *TEC §38.003, Screening and Treatment for Dyslexia*

Texas state law requires that public school students be screened and tested as appropriate for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program approved by the SBOE must include screening for each student at the end of the kindergarten year and then again during first grade.

### *Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act of 2015 (ESSA)*

The services offered to students who are reported to be at risk for dyslexia or other reading difficulties should align to the requirements of ESSA, which requires schools to implement comprehensive literacy instruction featuring "age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension" (ESSA, 2015).

### *Equal Education Opportunity Act (EEOA)*

This civil rights law ensures that all students are given equal access to educational services regardless of race, color, sex, religion, or national origin. Therefore, research-based interventions are to be provided to all students experiencing difficulties in reading, including English learners (EL), regardless of their proficiency in English.

### *Individuals with Disabilities Education Act (IDEA)*

The most recent reauthorization of this federal act is consistent with ESSA in emphasizing quality of instruction and documentation of student progress. A process based on the student's response to scientific, research-based intervention is one of the criteria included in IDEA that individual states may use in determining whether a student has a specific learning disability, including dyslexia.

## Procedures for Evaluation

As discussed above, the identification of reading disabilities, including dyslexia, will follow one of two procedures. School districts and charter schools should make decisions based on data and the unique needs of each student. School districts and charter schools may evaluate for dyslexia through either IDEA or Section 504. If a student is suspected of having a disability and the determination is made to evaluate through IDEA, all special education procedures must be followed. Procedural processes require coordination among the teacher, campus administrators, diagnosticians, and other professionals as appropriate when factors such as a student's English language acquisition, previously identified disability, or other special needs are present. Under IDEA, the referral of a student for an evaluation should be made by a committee or team with knowledge of the child and may include other individuals as appropriate. When evaluation occurs under Section 504, it is best practice to include on the committee or in the team making the determination the same members that IDEA requires, including the parent or guardian. The Pathways for the Identification and Provision of Instruction for Students with Dyslexia flowchart in Figure 3.8 (p. 35) illustrates the process for determining the appropriate supports needed by students with dyslexia.

As discussed in Chapter II, all public-school students are required to be screened for dyslexia while in kindergarten and grade 1. Additionally, students enrolling in public schools in Texas must be assessed for dyslexia and related disorders "at appropriate times" (TEC §38.003(a)). The appropriate time depends upon multiple factors including the student's reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teachers' input; and input from parents/guardians. The appropriate time for assessing is early in a student's school career (19 TAC §74.28). Texas Education Code §28.006, Reading Diagnosis, requires assessment of reading development and comprehension for students in kindergarten, first grade, second grade, and as appropriate, seventh grade. While earlier is better, students should be recommended for evaluation for dyslexia even if the reading difficulties appear later in a student's school career.

While schools must follow federal and state guidelines, they must also develop local procedures that address the needs of their student populations. Schools must recommend evaluation for dyslexia if the student demonstrates the following:

- Poor performance in one or more areas of reading and spelling that is unexpected for the student's age/grade
- Characteristics and risk factors of dyslexia indicated in Chapter I: Definitions & Characteristics of Dyslexia

Districts and charter schools must establish written procedures for assessing students for dyslexia. The first step in the evaluation process, data gathering, should be an integral part of the district's or charter school's process for any student exhibiting learning difficulties.

### **1. Data Gathering**

Schools collect data on all students to ensure that instruction is appropriate and scientifically based. Essential components of comprehensive literacy instruction are defined in Section 2221(b) of ESSA as explicit, systematic, and intentional instruction in the following:

- Phonological awareness
- Phonic coding
- Vocabulary
- Language structure
- Reading fluency
- Reading comprehension

Any time from kindergarten through grade 12, a student continues to struggle with one or more components of reading, schools must collect additional information about the student. Schools should use previously collected as well as current information to evaluate the student's academic progress and determine what actions are needed to ensure the student's improved academic performance. The collection of various data, as indicated in Figure 3.2 below, will provide information regarding factors that may be contributing to or primary to the student's struggles with reading and spelling.

### *Cumulative Data*

The academic history of each student will provide the school with the cumulative data needed to ensure that underachievement in a student suspected of having dyslexia is not due to lack of appropriate instruction in reading. This information should include data that demonstrates that the student was provided appropriate instruction and include data-based documentation of repeated evaluations of achievement at reasonable intervals (progress monitoring), reflecting formal evaluation of student progress during instruction. This cumulative data also includes information from parents/guardians. Sources and examples of cumulative data are provided in Figure 3.2.

Figure 3.2. Sources and Examples of Cumulative Data	
<ul style="list-style-type: none"> <li>• Vision screening</li> <li>• Hearing screening</li> <li>• Teacher reports of classroom concerns</li> <li>• Classroom reading assessments</li> <li>• Accommodations or interventions provided</li> <li>• Academic progress reports (report cards)</li> <li>• Gifted/talented assessments</li> <li>• Samples of schoolwork</li> <li>• Parent conference notes</li> <li>• Results of kindergarten-grade 1 universal screening as required in TEC §38.003</li> <li>• K–2 reading instrument results as required in TEC §28.006 (English and native language, if possible)</li> </ul>	<ul style="list-style-type: none"> <li>• 7th-grade reading instrument results as required in TEC §28.006</li> <li>• State student assessment program results as described in TEC §39.022</li> <li>• Observations of instruction provided to the student</li> <li>• Full Individual and Initial Evaluation</li> <li>• Outside evaluations</li> <li>• Speech and language assessment</li> <li>• School attendance</li> <li>• Curriculum-based assessment measures</li> <li>• Instructional strategies provided and student's response to the instruction</li> <li>• Screening</li> <li>• Parent survey</li> </ul>

### *Environmental and Socioeconomic Factors*

Information regarding a child's early literacy experiences, environmental factors, and socioeconomic status must be part of the data collected throughout the data gathering process. This data supports the determination that difficulties in learning are not due to cultural factors or environmental or economic disadvantage. Studies that have examined language development and the effects of home experiences on young children indicate that home experiences and socioeconomic status have dramatic effects on cumulative vocabulary development (Hart & Risley, 1995). Having data related to these factors may help in determining whether the student's struggles with reading are due to a lack of opportunity or a reading disability, including dyslexia.

## Language Proficiency

Much diversity exists among ELs. A student's language proficiency may be impacted by any of the following: native language, English exposure, parent education, socioeconomic status of the family, amount of time in the United States, experience with formal schooling, immigration status, community demographics, and ethnic heritage (Bailey, Heritage, Butler, & Walqui, 2000). ELs may be students served in bilingual and English as a second language (ESL) programs as well as students designated Limited English Proficient (LEP) whose parents have denied services. In addition to the information discussed in the previous section of this chapter, the Language Proficiency Assessment Committee (LPAC) maintains documentation (TAC §89.1220(g)-(i)) that is necessary to consider when identifying ELs with dyslexia. The LPAC is required to meet annually to review student placement and progress and consider instructional accommodations and interventions to address their linguistic needs. Since the identification and service delivery process for dyslexia must be aligned to the student's linguistic environment and educational background, involvement of the LPAC is required. Additional data sources for ELs are provided below in Figure 3.3.

Figure 3.3. Additional Data Sources for English Learners
<ul style="list-style-type: none"><li>• Home Language Survey</li><li>• Assessment related to identification for limited English proficiency (oral language proficiency test and norm-referenced tests—all years available)</li><li>• Texas English Language Proficiency Assessment System (TELPAS) information for four language domains (listening, speaking, reading, and writing)</li><li>• Instructional interventions provided to address language needs</li><li>• Information regarding previous schooling inside and/or outside the United States</li><li>• Type of language program model provided and language of instruction</li></ul>

## 2. Initial Evaluation Pathways

A district or charter school must make data-informed decisions that reflect the input of staff and parents for every student on an individual basis, every time. They must consider all resources and services based on student need. The district or charter school should carefully consider all the relevant student data to gauge the level of impact that a student's specific presentation of dyslexia or related disorder will have on the student's ability to access and make progress in the general curriculum. If it is suspected or known that the student may need special education because of suspected dyslexia or related disorder, the parent/guardian must be given a copy of the *Notice of Procedural Safeguards* and sign consent before the student is evaluated under IDEA. If the district or school suspects that the student may need interventions and accommodations specific to their suspected dyslexia or related disorder rather than special education services, then the student can be evaluated under Section 504.

A student's reading difficulties alone may warrant evaluation under IDEA. At times, students may display additional, potential learning challenges, such as oral language deficits, written expression difficulties (dysgraphia), or math difficulties (dyscalculia), which may further impact student learning. These challenges may also warrant an evaluation under IDEA.

Students who are currently eligible under IDEA and have an IEP and who are now suspected of having dyslexia or a related disorder must undergo a reevaluation under IDEA.

### 3. Formal Evaluation

After data gathering, the next step in the process is formal evaluation. This is not a screening; rather, it is an individualized evaluation used to gather specific data about the student. Formal evaluation includes both formal and informal data. All data will be used to determine whether the student demonstrates a pattern of evidence for dyslexia. Information collected from the parents/guardians also provides valuable insight into the student's early years of language development. This history may help to explain why students come to the evaluation with many different strengths and weaknesses; therefore, findings from the formal evaluation will be different for each child. Professionals conducting evaluations for the identification of dyslexia will need to look beyond scores on standardized assessments alone and examine the student's classroom reading performance, educational history, early language experiences, and, when warranted, academic potential to assist with determining reading, spelling, and writing abilities and difficulties.

#### *Notification and Permission*

When formal evaluation is recommended, the school must complete the evaluation process as outlined in IDEA or Section 504. Procedural safeguards under IDEA and Section 504 must be followed. For more information on procedural safeguards, see Appendix D, IDEA/Section 504 Side-by-Side chart, and TEA's [Parent Guide to the Admission, Review, and Dismissal Process \(Parent's Guide\)](#) or [OCR's Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#).

The individual needs of the student will determine the appropriate evaluation/identification process to use. The notices and requests for consent must be provided in the native language of parents/guardians or other mode of communication used by parents/guardians unless it is clearly not feasible to do so.

#### *Tests and Other Evaluation Materials*

In compliance with IDEA and Section 504, test instruments and other evaluation materials must meet the following criteria:

- Be used for the purpose for which the evaluation or measures are valid or reliable
- Include material tailored to assess specific areas of educational need and not merely materials that are designed to provide a single general intelligence quotient
- Be selected and administered to ensure that, when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills
- Be selected and administered in a manner that is not racially or culturally discriminatory
- Include multiple measures of a student's reading abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion-referenced evaluations, results of informal reading inventories, classroom observations)
- Be administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials
- Be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer



## *Additional Considerations for English Learners*

A professional involved in the evaluation, interpretation of evaluation results, and identification of ELs with dyslexia needs to have the following training/knowledge:

- Knowledge of first and second language acquisition theory
- Knowledge of the written system of the first language: transparent (e.g., Spanish, Italian, German), syllabic (e.g., Japanese-kana), Semitic (e.g., Arabic, Hebrew), and morphosyllabic (e.g., Chinese-Kanji)
- Knowledge of the student's literacy skills in native and second language
- Knowledge of how to interpret results from a cross-linguistic perspective
- Knowledge of how to interpret the TELPAS (Texas English Language Proficiency Assessment System)
- Knowledge of how to interpret the results of the student's oral language proficiency in two or more languages in relation to the results of the tests measuring academic achievement and cognitive processes as well as academic data gathered and economic and socioeconomic factors

Although data from previous formal testing of the student's oral language proficiency may be available, as required by TEC §29.056, additional assessment of oral language proficiency should be completed for a dyslexia evaluation due to the importance of the information for—

- consideration in relation to academic challenges,
- planning the evaluation, and
- interpreting evaluation results.

**If there is not a test in the native language of the student, informal measures of evaluation such as reading a list of words and listening comprehension in the native language may be used.**

## **Domains to Assess**

### *Academic Skills*

The school administers measures that are related to the student's educational needs. Difficulties in the areas of letter knowledge, word decoding, and fluency (rate, accuracy, and prosody) may be evident depending upon the student's age and stage of reading development. In addition, many students with dyslexia may have difficulty with reading comprehension and written composition.

### *Cognitive Processes*

Difficulties in phonological and phonemic awareness are typically seen in students with dyslexia and impact a student's ability to learn letters and the sounds associated with letters, learn the alphabetic principle, decode words, and spell accurately. Rapid naming skills may or may not be weak, but if deficient, they are often associated with difficulties in automatically naming letters, reading words fluently, and reading connected text at an appropriate rate. Memory for letter patterns, letter sequences, and the letters in whole words (orthographic processing) may be selectively impaired or may coexist with phonological processing weaknesses. Finally, various language processes, such as morpheme and syntax awareness, memory and retrieval of verbal labels, and the ability to formulate ideas into grammatical sentences, may also be factors affecting reading (Berninger & Wolf, 2009, pp. 134–135).

### *Possible Additional Areas*

Based on the student's academic difficulties and characteristics and/or language acquisition, additional areas related to vocabulary, listening comprehension, oral language proficiency, written expression, and other cognitive abilities may need to be assessed. Areas for evaluation are provided below in Figure 3.4.

Figure 3.4. Areas for Evaluation		
<b><u>Academic Skills</u></b>	<b><u>Cognitive Processes</u></b>	<b><u>Possible Additional Areas</u></b>
<ul style="list-style-type: none"><li>• Letter knowledge (name and associated sound)</li><li>• Reading words in isolation</li><li>• Decoding unfamiliar words accurately</li><li>• Reading fluency (rate, accuracy, and prosody are assessed)</li><li>• Reading comprehension</li><li>• Spelling</li></ul>	<ul style="list-style-type: none"><li>• Phonological/phonemic awareness</li><li>• Rapid naming of symbols or objects</li></ul>	<ul style="list-style-type: none"><li>• Vocabulary</li><li>• Listening comprehension</li><li>• Verbal expression</li><li>• Written expression</li><li>• Handwriting</li><li>• Memory for letter or symbol sequences (orthographic processing)</li><li>• Mathematical calculation/reasoning</li><li>• Phonological memory</li><li>• Verbal working memory</li><li>• Processing speed</li></ul>

### Procedures for Identification

While each law has specific requirements regarding the identification of dyslexia, decisions must be made by either a Section 504 committee or an ARD committee under IDEA. In order to make an informed determination, either committee must include certain required members. These required members must include, but are not limited to, individuals who are knowledgeable about the following:

- Student being evaluated
- Evaluation instruments being used
- Meaning of the data being collected

For ELs, a member of the LPAC must be part of either the Section 504 or ARD committee.

Additionally, committee members should have knowledge regarding the following:

- The reading process
- Dyslexia and related disorders
- Dyslexia instruction
- District or charter school, state, and federal guidelines for evaluation



## Review and Interpretation of Data and Evaluations

To appropriately **understand** evaluation data, the committee of knowledgeable persons (Section 504 or ARD committee) must **interpret** test results in light of the student’s educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning.

The Section 504 or ARD committee must first determine if a student’s difficulties in the areas of reading and spelling reflect a pattern of evidence for the primary characteristics of dyslexia with unexpectedly low performance for the student’s age and educational level in **some or all** of the following areas:

- Reading words in isolation
- Decoding unfamiliar words accurately and automatically
- Reading fluency for connected text (rate and/or accuracy and/or prosody)
- Spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia)

The evaluation data collected may also include information on reading comprehension, mathematics, and written expression. Dyslexia often coexists with learning difficulties in these related areas.

Another factor to consider when interpreting test results is the student’s linguistic background. The nature of the writing system of a language impacts the reading process. Thus, the identification guideposts of dyslexia in languages other than English may differ. For example, decoding in a language with a transparent written language (e.g., Spanish, German) may not be as decisive an indicator of dyslexia as reading rate. A transparent written language has a close letter/sound correspondence (Joshi & Aaron, 2006). Students with dyslexia who have or who are being taught to read and write a transparent language may be able to decode real and nonwords adequately but demonstrate serious difficulties in reading rate with concurrent deficiencies in phonological awareness and rapid automatized naming (RAN).

Figure 3.5. Dyslexia in Transparent and Opaque Orthographies	
Opaque	Transparent
Early and marked difficulty with word-level reading	Less difficulty with word-level reading
Fluency and comprehension often improve once decoding is mastered	More difficulty with fluency and comprehension

Figure 3.6. Characteristics of Dyslexia in English and Spanish	
English	Spanish
Phonological awareness	Phonological awareness—may be less pronounced
Rapid naming	Rapid naming
Regular/irregular decoding	Decoding—fewer “irregular words” in Spanish
Fluency	Fluency—often a key indicator
Spelling	Spelling—may show fewer errors than in English, but still more than students that do not have dyslexia
Reading comprehension may be a weakness in both English and Spanish.	

Findings support guidance in the interpretation of phonological awareness test scores.

*There is evidence that blending skills develop sooner than analysis skills, and that students can have good blending skills and inadequate reading development. Only when both blending and analysis skills are mastered do we see benefits for reading development.*

—Kilpatrick, D.A. *Essentials of Assessing, Preventing, and Overcoming Reading Difficulties*, 2015

With this in mind, when determining phonological awareness deficits, evaluation personnel should examine subtest scores, including discreet phonological awareness skills, instead of limiting interpretation to composite scores since a deficit in even one skill will limit reading progress.

Based on the above information and guidelines, should the Section 504 or ARD committee determine that the student exhibits weaknesses in reading and spelling, the committee will then examine the student’s data to determine whether these difficulties are **unexpected** in relation to the student’s other abilities, sociocultural factors, language difference, irregular attendance, or lack of appropriate and effective instruction. For example, the student may exhibit strengths in areas such as reading comprehension, listening comprehension, math reasoning, or verbal ability yet still have difficulty with reading and spelling. **Therefore, it is not one single indicator but a preponderance of data (both informal and formal) that provide the committee with evidence for whether these difficulties are unexpected.**

**Dyslexia Identification**

If the student’s difficulties are unexpected in relation to other abilities, the Section 504 or ARD committee must then determine if the student has dyslexia. For ELs, an LPAC representative should be included in the Section 504 or ARD committee. The list of questions in Figure 3.7 below must be considered when making a determination regarding dyslexia.

Figure 3.7. Questions to Determine the Identification of Dyslexia
<ul style="list-style-type: none"><li>• Do the data show the following characteristics of dyslexia?<ul style="list-style-type: none"><li>○ Difficulty with accurate and/or fluent word reading</li><li>○ Poor spelling skills</li><li>○ Poor decoding ability</li></ul></li><li>• Do these difficulties (typically) result from a deficit in the phonological component of language? (Please be mindful that average phonological scores alone do not rule out dyslexia.)</li><li>• Are these difficulties <b>unexpected</b> for the student’s age in relation to the student’s other cognitive abilities and provision of effective classroom instruction?</li></ul>

Once dyslexia has been identified, there are further eligibility questions the Section 504 or ARD committee must still consider. These considerations are discussed in greater detail below.

*Review of Evaluation by Section 504 Committee*

If the student has dyslexia, the Section 504 committee also determines whether the student is eligible under Section 504. A student has a disability under Section 504 if the physical or mental impairment (dyslexia) substantially limits one or more major life activities, such as the specific activity of reading (34 C.F.R.

§104.3(j)(1)). Additionally, the Section 504 committee, in determining whether a student has a disability that substantially limits the student in a major life activity (reading), must not consider the ameliorating effects of any mitigating measures that student is using. If the Section 504 committee does not identify dyslexia, but the student has another condition or disability that substantially limits the student, eligibility for Section 504 services related to the student's other condition or disability should be considered.

Based on the student's pattern of performance over time, test evaluation results, and other relevant data (e.g., RTI and classroom data, observations, etc.) the committee will determine whether the student meets Section 504 eligibility criteria. For eligible students, the Section 504 committee will develop the student's Section 504 Plan, which must include appropriate reading instruction as appropriate to meet the individual needs of the student. Appropriate reading instruction includes the components and delivery of standard protocol dyslexia instruction identified in Chapter IV: Critical, Evidence-based Components of Dyslexia Instruction. The Section 504 committee will also consider whether the student requires additional accommodations and/or related services for the provision of FAPE. Revision of the Section 504 Plan will occur as the student's response to instruction and use of accommodations, if any, is observed. Changes in instruction and/or accommodations must be supported by current data (e.g., classroom performance and dyslexia program monitoring).

#### *Review of Evaluation by the Admission, Review, and Dismissal (ARD) Committee*

Within 30 calendar days of completion of the written evaluation report, the ARD committee will determine whether a student who has dyslexia is eligible under IDEA as a student with a specific learning disability (19 TAC §89.1011(d)). A student with dyslexia has a disability under IDEA if the student meets the criteria for a specific learning disability (discussed in greater detail below) and, because of dyslexia or a related disorder, needs special education. The October 23, 2015 letter from the Office of Special Education and Rehabilitative Services (OSERS) (Dear Colleague: Dyslexia Guidance) states that dyslexia, dyscalculia, and dysgraphia are conditions that could qualify a child as a child with a specific learning disability under IDEA. The letter further states that there is nothing in IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or individualized education program (IEP) documents. For more information, please visit

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>.

A Letter to the Administrator Addressed from the Texas Education Agency regarding the provision of services for students with dyslexia and related disorders states that anytime it is suspected that a student requires special education or related services to provide appropriate reading supports and interventions, a referral for an FIE should be initiated. The letter further states that all students who are identified with dyslexia or a related disorder *and* who require special education services because of dyslexia or a related disorder should be served under the IDEA as students with a specific learning disability. For more information, please visit

[https://tea.texas.gov/About\\_TEA/News\\_and\\_Multimedia/Correspondence/TAA\\_Letters/Provision\\_of\\_Services\\_for\\_Students\\_with\\_Dyslexia\\_and\\_Related\\_Disorders\\_-\\_Revised\\_June\\_6,\\_2018/](https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Provision_of_Services_for_Students_with_Dyslexia_and_Related_Disorders_-_Revised_June_6,_2018/)

In IDEA, dyslexia is considered one of a variety of etiological foundations for specific learning disability, or SLD. Section 34 C.F.R. §300.8(c)(10) states the following:

*Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.*

The term *SLD* does not apply to children who have learning difficulties that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

The IDEA evaluation requirements for eligibility in 34 C.F.R. §300.309(a)(1) specifically designate the following areas for a learning disability in reading: basic reading skills (dyslexia), reading fluency skills, and/or reading comprehension.

If a student with dyslexia is found eligible for special education, the student's IEP must include appropriate reading instruction. Appropriate reading instruction includes the components and delivery of dyslexia instruction discussed in Chapter IV: Critical, Evidence-based Components of Dyslexia Instruction. If a student has previously met special education eligibility and is later identified with dyslexia, the ARD committee should include goals that reflect the need for dyslexia instruction in the IEP and determine the least restrictive environment for delivering the student's dyslexia intervention.

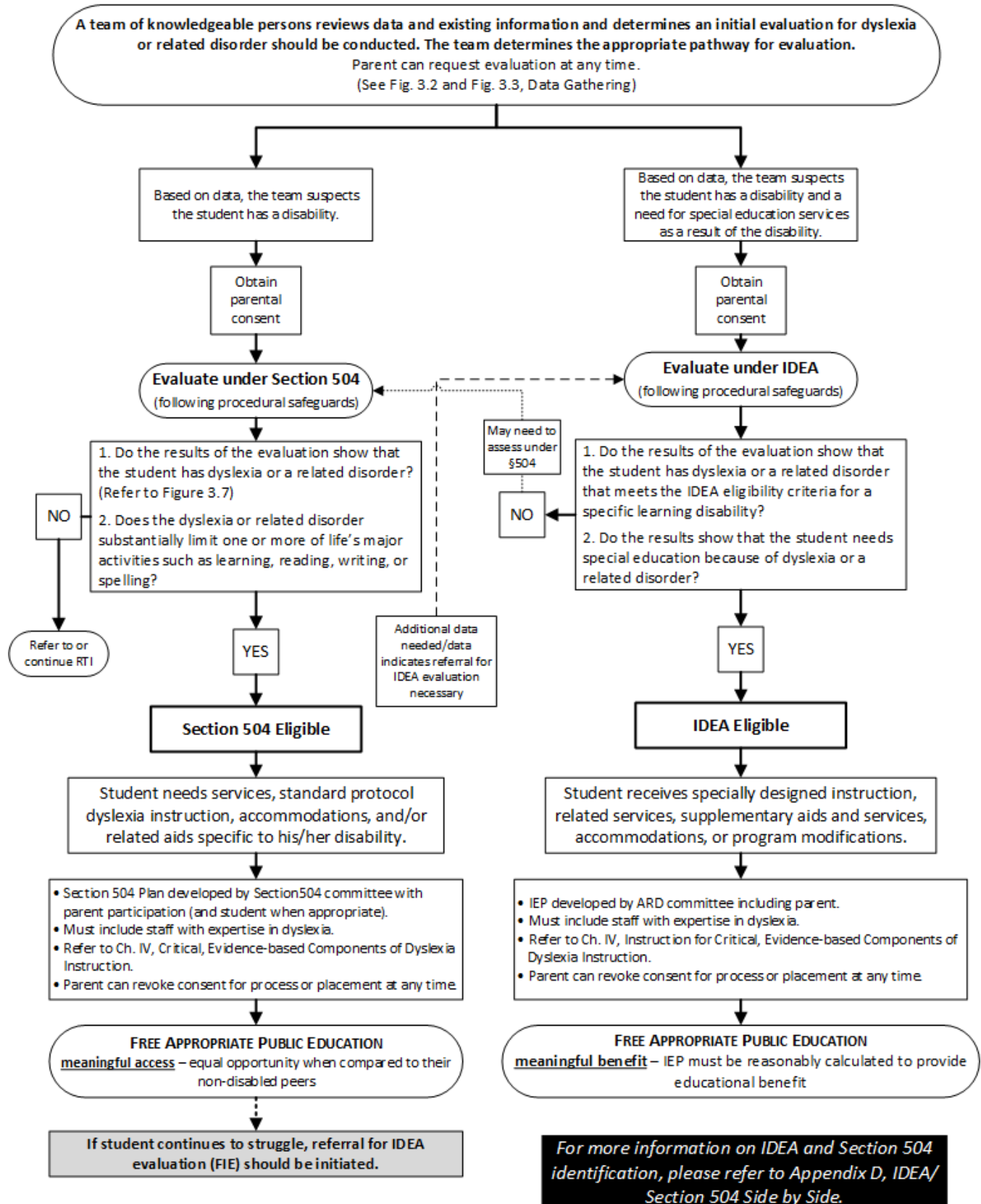
## **Pathways for the Identification and Provision of Instruction for Students with Dyslexia**

The following flowchart illustrates a process for determining the instructional support needed by students with dyslexia. While the diagram begins with an initial screening, screening is NOT required to proceed through the evaluation and identification process. **A special education evaluation should be conducted whenever it appears to be appropriate, including upon request from the parent/guardian.** Some students will not proceed through all the steps before being referred for an FIE or Section 504 evaluation. A dyslexia evaluation may be incorporated into the FIE through special education.

At any time, regardless of the process in place, a student may be recommended for dyslexia evaluation as accumulated data support a student's continued struggles with one or more of the components of reading. **Parents/guardians have the right to request a referral for a dyslexia evaluation at any time.** Districts **must** ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of the screening or RTI processes.

Figure 3.8

### Pathways for the Identification and Provision of Instruction for Students with Dyslexia



## Reevaluation for Dyslexia Identification and Accommodations

*Dyslexia is a lifelong condition. However, with proper help, many people with dyslexia can learn to read and write well. Early identification and treatment is the key to helping individuals with dyslexia achieve in school and in life.*

—The International Dyslexia Association

<http://www.interdys.org/ewebeditpro5/upload/DyslexiaBasicsREVMay2012.pdf>

Texas Education Code §38.003(a) was originally passed in 1985 to ensure that students enrolling in public schools in this state are tested for dyslexia and related disorders. In 2011, Senate Bill 866 added into law Subsection (b-1) to ensure that districts consider previously collected data before reevaluating students already identified as having dyslexia. The 85th Texas Legislature in 2017 further amended this provision to clarify requirements related to reevaluation.

[TEC §38.003\(b-1\)](#) reads as follows:

*Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.*

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.003>

There are many initiatives, programs, evaluations, and data available for use in identification, placement, and program planning for students, including ELs, who struggle with dyslexia. Evaluation and ongoing progress monitoring are key components that must be considered by trained personnel.

A 2014 U.S. Department of Justice technical assistance document summarized regulations regarding testing accommodations for individuals with disabilities as follows.

*The Americans with Disabilities Act (ADA) ensures that individuals with disabilities have the opportunity to fairly compete for and pursue such opportunities by requiring testing entities to offer exams in a manner accessible to persons with disabilities. When needed testing accommodations are provided, test-takers can demonstrate their true aptitude.*

### *Sources for Procedures and Evaluation for Students Identified with Dyslexia*

Berninger, V. W. & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

Diehl, J. D., Frost, S. J., Mencl, W. E., & Pugh, K. R. (2011). Neuroimaging and the phonological deficit hypothesis. In S. Brady, D. Braze, & C. Fowler (Eds.), *In explaining individual difference in reading theory and evidence* (pp. 217–237). New York, NY: Psychology Press.

Elementary and Secondary Education Act as Reauthorized by the Every Student Succeeds Act of 2015. 20 U.S.C. § 2221(b). (2015).

- Kilpatrick, D.A. (2015). *Essentials of Assessing, Preventing, and Overcoming Reading Difficulties*. Hoboken, NJ: John Wiley & Sons. (85-86).
- Mather, N., & Wendling, B. J. (2012). *Essentials of dyslexia assessment and intervention*. Hoboken, NJ: John Wiley & Sons.
- Nevills, P., & Wolfe, P. (2009). *Building the reading brain, PreK–3* (2nd ed.). Thousand Oaks, CA: Corwin Press.
- Norlin, J. W. (2011). *What do I do when: The answer book on Section 504* (4th ed.). Horsham, PA: LRP Publications.
- Region 18 Education Service Center. The Legal Framework for the Child-Centered Special Education Process. (2018). Retrieved from <http://framework.esc18.net/display/Webforms/LandingPage.aspx>.
- Shaywitz, S.E. (2014) Testimony Before the Committee on Science, Space, and Technology, U.S. House of Representatives.
- U.S. Department of Education. (2015). Dyslexia Guidance. Dear Colleague Letter from the Office of Special Education and Rehabilitative Services. Washington, D.C.
- U.S. Department of Justice. (2014). ADA Requirements: Testing Accommodations. [Technical Assistance Document.] Civil Rights Division, Disability Rights Section. Retrieved online at [https://www.ada.gov/regs2014/testing\\_accommodations.pdf](https://www.ada.gov/regs2014/testing_accommodations.pdf).

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## IV. Critical, Evidence-Based Components of Dyslexia Instruction

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*Although dyslexia affects individuals over the life span . . . reading skills can be increased with the right early intervention and prevention programs. . . It is clear from the consensus of scientifically based reading research that the nature of the educational intervention for individuals with reading disabilities and dyslexia is critical. (pp. 21–22)*

— Birsh, J. R. Connecting Research and Practice, 2018

Effective literacy instruction is essential for all students and is especially critical for students identified with dyslexia. High-quality core classroom reading instruction can give students identified with dyslexia a foundation upon which intervention instruction can have a more significant impact. Specialized instruction for students with dyslexia is discussed in this chapter.

TEC §38.003(b) states, “in accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.” Each school must provide an identified student access at his/her campus to an instructional program that meets the requirements in 19 TAC §74.28(c) and to the services of a teacher trained in dyslexia and related disorders. While the components of instruction for students with dyslexia include good teaching principles for all teachers, the explicitness and intensity of the instruction, fidelity to program descriptors, grouping formats, and training and skill of the teachers are wholly different from core classroom instruction and must be considered when making individual placement decisions.

### Standard Protocol Dyslexia Instruction

For the student who has not benefited from the research-based core reading instruction, the components of instruction will include additional focused intervention as appropriate for the reading needs of the student with dyslexia. Standard protocol dyslexia instruction provides evidence-based, multisensory structured literacy instruction for students with dyslexia. A standard protocol dyslexia instructional program must be explicit, systematic, and intentional in its approach. This instruction is designed for all students with dyslexia and will often take place in a small group setting. Standard protocol dyslexia instruction must be—

- evidence-based and effective for students with dyslexia;
- taught by an appropriately trained instructor; and
- implemented with fidelity.

Instructional decisions for a student with dyslexia must be made by a committee (Section 504 or ARD) that is knowledgeable about the instructional components and approaches for students with dyslexia. It is important to remember that while dyslexia instruction is most successful when provided as early as possible, older children with reading disabilities will also benefit from focused and intensive remedial instruction.

In accordance with 19 TAC §74.28(e), districts must purchase or develop an evidence-based reading program for students with dyslexia and related disorders that incorporates **all** the components of instruction and instructional approaches described in the sections below. As is the case with any instructional program,

differentiation that does not compromise the fidelity of a program may be necessary to address different learning styles and ability levels and to promote progress among students receiving dyslexia instruction. While districts and charter schools must implement an evidence-based instructional program for students with dyslexia that meets each of the components described in this chapter, standard protocol dyslexia instruction provided to students may focus on components of the program that best meet the student's needs. For example, this may occur when a student with dyslexia who has participated in standard protocol dyslexia instruction in the past but continues to need remediation in some, but not all of, the components (e.g. fluency, written expression).

For students with dyslexia who have been determined eligible for and who are receiving special education services, specially designed instruction must also address the critical, evidence-based components described in this chapter. Specially designed instruction differs from standard protocol dyslexia instruction in that it offers a more individualized program specifically designed to meet a student's unique needs.

### Critical, Evidence-Based Components of Dyslexia Instruction

- **Phonological awareness**—“Phonological awareness is the understanding of the internal sound structure of words. A phoneme is the smallest unit of sound in a given language that can be recognized as being distinct from other sounds. An important aspect of phonological awareness is the ability to segment spoken words into their component phonemes [phonemic awareness].” (Birsh, 2018, p. 26).
- **Sound-symbol association**—Sound-symbol association is the knowledge of the various speech sounds in any language to the corresponding letter or letter combinations that represent those speech sounds. The mastery of sound-symbol association (alphabetic principle) is the foundation for the ability to read (decode) and spell (encode) (Birsh, 2018, p. 26). “Explicit phonics refers to an organized program in which these sound symbol correspondences are taught systematically” (Berninger & Wolf, 2009, p. 53).
- **Syllabication**—“A syllable is a unit of oral or written language with one vowel sound. Instruction must include the six basic types of syllables in the English language; closed, open, vowel-consonant-e, r-controlled, vowel pair (or vowel team), and final stable syllable. Syllable division rules must be directly taught in relation to the word structure” (Birsh, 2018, p. 26).
- **Orthography**—Orthography is the written spelling patterns and rules in a given language. Students must be taught the regularity and irregularity of the orthographic patterns of a language in an explicit and systematic manner. The instruction should be integrated with phonology and sound-symbol knowledge.
- **Morphology**—“Morphology is the study of how morphemes are combined to form words. A morpheme is the smallest unit of meaning in the language” (Birsh, 2018, p. 26).
- **Syntax**—“Syntax is the set of principles that dictate sequence and function of words in a sentence in order to convey meaning. This includes grammar, sentence variation, and the mechanics of language” (Birsh, 2018, p. 26).

- **Reading comprehension**—Reading comprehension is the process of extracting and constructing meaning through the interaction of the reader with the text to be comprehended and the specific purpose for reading. The reader’s skill in reading comprehension depends upon the development of accurate and fluent word recognition, oral language development (especially vocabulary and listening comprehension), background knowledge, use of appropriate strategies to enhance comprehension and repair it if it breaks down, and the reader’s interest in what he or she is reading and motivation to comprehend its meaning (Birsh, 2018, p.14; Snow, 2002).
- **Reading fluency**—“Reading fluency is the ability to read text with sufficient speed and accuracy to support comprehension”(Moats & Dakin, 2008, p. 52). Fluency also includes prosody. Teachers can help promote fluency with several interventions that have proven successful in helping students with fluency (e.g., repeated readings, word lists, and choral reading of passages) (Henry, 2010, p. 104).

In addition, other areas of language processing skills, such as written expression, which require integration of skills, are often a struggle for students with dyslexia. Moats and Dakin (2008) posit the following:

*The ability to compose and transcribe conventional English with accuracy, fluency, and clarity of expression is known as basic writing skills. Writing is dependent on many language skills and processes and is often even more problematic for children than reading. Writing is a language discipline with many component skills that must be directly taught. Because writing demands using different skills at the same time, such as generating language, spelling, handwriting, and using capitalization and punctuation, it puts a significant demand on working memory and attention. Thus, a student may demonstrate mastery of these individual skills, but when asked to integrate them all at once, mastery of an individual skill, such as handwriting, often deteriorates. To write on demand, a student has to have mastered, to the point of being automatic, each skill involved (p. 55).*

Both the teacher of dyslexia and the regular classroom teacher should provide multiple opportunities to support intervention and to strengthen these skills; therefore, responsibility for teaching reading and writing must be shared by classroom teachers, reading specialists, interventionists, and teachers of dyslexia programs.

## Delivery of Dyslexia Intervention

While it is necessary that students are provided intervention in the above content, it is also critical that the way in which the content is delivered be consistent with research-based practices. Principles of effective intervention for students with dyslexia include **all** of the following:

- **Simultaneous, multisensory (VAKT)**—“Teaching is done using all learning pathways in the brain (visual, auditory, kinesthetic, tactile) simultaneously in order to enhance memory and learning” (Birsh, 2018, p. 26). “Children are actively engaged in learning language concepts and other information, often by using their hands, arms, mouths, eyes, and whole bodies while learning” (Moats & Dakin, 2008, p. 58).

- **Systematic and cumulative**—“Multisensory language instruction requires that the organization of material follow order of the language. The sequence must begin with the easiest concepts and most basic elements and progress methodically to more difficult material. Each step must also be based on [elements] already learned. Concepts taught must be systematically reviewed to strengthen memory” (Birsh, 2018, p. 26).
- **Explicit instruction**—“Explicit instruction is explained and demonstrated by the teacher one language and print concept at a time, rather than left to discovery through incidental encounters with information. Poor readers do not learn that print represents speech simply from exposure to books or print” (Moats & Dakin, 2008, p. 58). Explicit Instruction is “an approach that involves direct instruction: The teacher demonstrates the task and provides guided practice with immediate corrective feedback before the student attempts the task independently” (Mather & Wendling, 2012, p. 326).
- **Diagnostic teaching to automaticity**—“The teacher must be adept at prescriptive or individualized teaching. The teaching plan is based on careful and [continual] assessment of the individual’s needs. The content presented must be mastered to the degree of automaticity” (Birsh, 2018, p. 27). “This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student” (Moats & Dakin, 2008, p. 58). “When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner” (Berninger & Wolf, 2009, p. 70).
- **Synthetic instruction**—“Synthetic instruction presents the parts of the language and then teaches how the parts work together to form a whole (” (Birsh, 2018, p. 27).
- **Analytic instruction**—“Analytic instruction presents the whole and teaches how this can be broken into its component parts” (Birsh, 2018, p. 27).

As appropriate intervention is provided, students with dyslexia make significant gains in reading. Effective instruction is highly-structured, systematic, and explicit, and it lasts for sufficient duration. With regard to explicit instruction, Torgesen (2004) states, “Explicit instruction is instruction that does not leave anything to chance and does not make assumptions about skills and knowledge that children will acquire on their own” (p. 353).

In addition, because effective intervention requires highly structured and systematic delivery, it is critical that those who provide intervention for students with dyslexia be trained in the program used and that the program is implemented with fidelity.

### *Sources for Critical, Evidence-Based Components and Delivery of Dyslexia Instruction*

Berninger, V. W., & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia: Lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

Birsh, J. R. (2018). Connecting research and practice. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed., pp21–34). Baltimore, MD: Paul H. Brookes Publishing.

Henry, M. K. (2010). *Unlocking literacy: Effective decoding and spelling instruction* (2nd ed.). Baltimore, MD: Paul H. Brookes Publishing.

The International Multisensory Structured Language Council. (2013). *Multisensory structured language programs: Content and principles of instruction*. Retrieved from <https://www.imslec.org/directory.asp?action=instruction>.

Mather, N., & Wendling, B. J. (2012). *Essentials of dyslexia assessment and intervention*. Hoboken, NJ: John Wiley & Sons.

Moats, L. C., & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems*. Baltimore, MD: The International Dyslexia Association.

## Providers of Dyslexia Instruction

In order to provide effective intervention, school districts are encouraged to employ highly trained individuals to deliver dyslexia instruction. Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers, who provide dyslexia intervention for students are not required to hold a specific license or certification. However, these educators must at a minimum have additional documented dyslexia training aligned to 19 TAC § 74.28(c) and must deliver the instruction with fidelity. This includes training in critical, evidence-based components of dyslexia instruction such as phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. In addition, they must deliver multisensory instruction that simultaneously uses all learning pathways to the brain, is systematic and cumulative, is explicitly taught, uses diagnostic teaching to automaticity, and includes both analytic and synthetic approaches. See pages 39 - 41 for a description of these components of instruction and delivery.

Although Texas does not have a certification requirement specific to teachers providing intervention to students with dyslexia, opportunities for those who provide dyslexia instruction to pursue a certification and/or license are available through several professional organizations as well as the Texas Department of Licensing and Regulation. Certification and licensing options are outlined in Figure 4.1 below. More information concerning licensure in the State of Texas, may also be found in Texas Occupations Code, Chapter 403. (See Appendix C, State Laws and Rules Related to Dyslexia).

The effort to train professionals who work with students with dyslexia is also supported by The International Dyslexia Association (IDA) Position Statement: Dyslexia Treatment Programs (March, 2009), which states the following:

*Professional practitioners, including teachers or therapists, should have had specific preparation in the prevention and remediation of language-based reading and writing difficulties. Teachers and therapists should be able to state and provide documentation of their credentials in the prevention and remediation of language-based reading and writing difficulties, including program-specific training recommended for the use of specific programs (pp. 1–2).*

Providers of dyslexia instruction must be prepared to use the techniques, tools, and strategies outlined in the previous sections of this chapter. They may also serve as trainers and consultants in dyslexia and related disorders for regular, remedial, and special education teachers.

**Figure 4.1. Training Requirements for Educators Providing Dyslexia Services**

Dyslexia Certification/License	Licensing Body	Degree Required	Training Program	Course Contact Hours	Practicum Hours	Direct Observations	Certification Exam	Continuing Education Requirement
Educator certification* as appropriate	State Board for Educator Certification (SBEC)	Bachelors	Training which meets components of instruction and delivery	Varies with program	Varies with program	Varies with program	None	None
*Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers are not required to hold a specific license or certification to provide dyslexia intervention for students; however, they must at a minimum have additional documented dyslexia training aligned to 19 TAC § 74.28(c) and must deliver the instruction with fidelity.								
Licensed Dyslexia Therapist (LDT)	Texas Department of Licensing and Regulation (TDLR)	Masters	IMSLEC Accredited or other MSLE Program	200	700	10	yes	20 hrs/2 yrs
Licensed Dyslexia Practitioner (LDP)	Texas Department of Licensing and Regulation (TDLR)	Bachelors	IMSLEC Accredited or other MSLE	45	60	5	yes	20 hrs/2 yrs
Certified Academic Language Therapist (CALT)	Academic Language Therapy Association (ALTA)	Bachelors	IMSLEC Accredited or other MSLE	200	700	10	yes	10 hrs/1 yr
Certified Academic Language Practitioner (CALP)	Academic Language Therapy Association (ALTA)	Bachelors	IMSLEC Accredited or other MSLE Program	45	60	5	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Specialist	Center for Effective Reading Instruction (CERI)	Bachelors	<a href="#">IDA Accredited</a>	135	30	3	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Interventionist	Center for Effective Reading Instruction (CERI)	Bachelors	<a href="#">IDA Accredited</a>	90	30	3	yes	10 hrs/1 yr
Wilson Level II Certification/Therapist	Wilson Language Training	Bachelors	<a href="#">IDA Accredited</a>	200	215	11+	yes	50 hrs/5 yrs
Wilson Level I Certification/Practitioner	Wilson Language Training	Bachelors	<a href="#">IDA Accredited</a>	105	65	5+	yes	50 hrs/5 yrs
AOGPE Fellow Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Masters	<a href="#">AOGPE</a>	250	600	13	no	none
AOGPE Certified Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	<a href="#">AOGPE</a>	160	300	10	no	none
AOGPE Associate Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	<a href="#">AOGPE</a>	Option A - 60 Option B - 70	Option A - 100 1 to 1 hours Option B - 50 1 to 1 hours; & 50 group hours	10	no	none

Please note that certification and licensing requirements may change with time. For more complete and up-to-date information, contact the specific licensing body.

## Professional Development Relative to Dyslexia for All Teachers

Research consistently confirms the impact that a knowledgeable teacher can have on the success or failure of even the best reading programs (Shaywitz, 2003). To ensure that teachers are knowledgeable about dyslexia, [TEC §21.054\(b\)](#) and [TAC §232.11\(e\)](#) require educators who teach students with dyslexia to be

trained in new research and practices related to dyslexia as a part of their continuing professional education (CPE) hours.

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm>

<http://ritter.tea.state.tx.us/sbecrules/tac/chapter232/ch232a.html#232.11>

## **Educator Preparation Programs**

According to TEC §21.044(b), all candidates completing an educator preparation program must receive instruction in detection and education of students with dyslexia. This legislation ensures that newly certified teachers will have knowledge of dyslexia prior to entering the classroom.

<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.21.htm#21.044>

## Instructional Intervention Consideration for English Learners (ELs) with Dyslexia

ELs receiving dyslexia services will have unique needs. Provision of dyslexia instruction should be in accordance with the program model the student is currently receiving (e.g., dual language, transitional bilingual, ESL). Interventionists working with ELs should have additional training on the specialized needs of ELs.

Learning to read, write, and spell in two languages can be facilitated by building on a student's native language knowledge and helping to transfer that knowledge to a second language. While direct, systematic instruction is still required for all aspects of reading, additional explicit instruction will be needed to address the similarities and differences in sounds, syllable structure, morphology, orthography, and syntax between the first and second languages.

For example, instructional considerations may include capitalizing on familiar sound-symbol correspondences. Direct and systematic instruction of the cross-linguistic correlations is beneficial for ELs. Instruction can subsequently include those sound-symbol correlations that partially overlap or present a slight variation from the native language to the second language. Unfamiliar phonemes and graphemes then can be presented to ELs. A systematic approach will enhance instruction and assist the bilingual student in transferring native language and literacy knowledge to second language and literacy acquisition.

For ELs learning to read in English and not in their native language, progress in reading may be hindered due to limited vocabulary in English. Therefore, in addition to all the components of effective instruction previously discussed, intervention for ELs also must emphasize oral language development (Cardenas-Hagan, 2011). Because the English language is derived from Anglo-Saxon, Latin, Greek, French, and other languages, ELs can expand their oral language and vocabulary knowledge by understanding the cognates (baseball/béisbol or leader/lider) that exist in their native language and English. The similarities of words in the native language and English must be explicitly taught.

It is also necessary to incorporate ESL strategies during the intervention process and in all content areas. In Texas, school districts are required to implement the English Language Proficiency Standards (ELPS) as an



integral part of each subject area in the required curriculum ([TAC §74.4](#)). Dyslexia instruction for ELs must incorporate the ELPS. A few strategies to consider include the following:

- Establish routines so that ELs understand what is expected of them
- Provide native language support when giving directions or when students do not understand the task
- Provide opportunities for repetition and rehearsal so that the new information can be learned to mastery
- Adjust the rate of speech and the complexity of the language used according to the second language proficiency level of each student
- Provide extra time for the EL to process the English language. This is especially necessary during the early stages of second language development
- Provide extra time for the EL to formulate oral and written responses
- Emphasize text that includes familiar content and explain the structure of the text

*Source for Instructional Intervention Consideration for English Learners (ELs) with Dyslexia*

19 Texas Administrative Code §74.4, English Language Proficiency Standards. (2007).

Cardenas-Hagan, E. (2018). Language and literacy development among English language learners. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed.) (pp. 720–754). Baltimore, MD: Paul H. Brookes Publishing.

## Research-Based Best Practices

It is important to note that in Texas, the approach to teaching students with dyslexia is founded on research-based best practices. The ideas upon which the state’s approach is based are summarized here:

- Gains in reading can be significant if students with reading problems are provided systematic, explicit, and intensive reading instruction of sufficient duration in phonemic awareness, phonics, fluency, vocabulary (e.g., the relationships among words and the relationships among word structure, origin, and meaning), reading comprehension strategies, and writing.
- A failure to learn to read impacts a person’s life significantly. The key to preventing this failure for students with dyslexia is early identification and early intervention.
- Instruction by a highly skilled and knowledgeable educator who has specific preparation in the remediation of dyslexia is necessary.

It is vital to start evidence-based interventions as soon as possible. Effective treatments for dyslexia should consist of explicit academic teaching of reading and spelling skills.

The following research reflects the essential components of standard protocol dyslexia instruction discussed above and may serve as additional sources of information for those working with students identified with dyslexia. The similarities between the state’s approach and the research are noted in bold. Unless otherwise indicated, the following pages contain excerpts from the resources cited.



1. August and Shanahan (2006, pp. 3–5) state the following:

- **Instruction that provides substantial coverage in the key components of reading—identified by the National Reading Panel (NICHD, 2000) as phonemic awareness, phonics, fluency, vocabulary, and text comprehension**—has clear benefits for language-minority students.
- **Instruction in the key components of reading** is necessary—but not sufficient—for teaching language-minority students to read and write proficiently in English. Oral proficiency in English is critical as well, but student performance suggests that it is often overlooked in instruction.
- Oral proficiency and literacy in the first language can be used to facilitate literacy development in English.

August, D., & Shanahan, T. (Eds.). (2006). *Executive summary: Developing literacy in second-language learners: Report of the National Literacy Panel on language-minority children and youth*. Mahwah, NJ: Lawrence Erlbaum.

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2. Berninger and Wolf (2009, p. 49–50) state the following:

Until children are reading without effort, each reading lesson should consist of **teacher-directed, explicit, systematic instruction** in 1) phonological awareness; 2) applying phonics (alphabetic principle) and morphology to decoding; 3) applying background knowledge already learned to unfamiliar words or concepts in material to be read (activating prior knowledge); 4) both oral reading and silent reading, with appropriate instructional materials; 5) activities to develop oral reading fluency; and 6) reading comprehension.

Berninger, V. W., & Wolf, B. J. (2009). *Teaching students with dyslexia and dysgraphia: Lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

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3. Birsh (2018, p. 3) states the following:

**Teachers** need to undergo extensive **preparation in the disciplines inherent in literacy**, which include the following:

- Language development
- **Phonology and phonemic awareness**
- Alphabetic knowledge
- Handwriting
- **Decoding (reading)**
- **Spelling (encoding)**
- **Fluency**
- **Vocabulary**
- **Comprehension**
- Composition

- Testing and assessment
- Lesson planning
- Behavior management
- Study skills
- History of the English language
- Technology
- Needs of older struggling students

Birsh, J. R. (2018). Connecting research and practice. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed., pp. 2–34). Baltimore, MD: Paul H. Brookes Publishing.

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4. Clark and Uhry (2004, pp. 89–92) state the following:

- Children with dyslexia need the following:
  - **Direct, intensive, and systematic** input from and interaction with the teacher
  - Immediate feedback from the teacher
  - Careful pacing of instruction
  - **Systematic** structured progression from the simple to the complex
- Other components of instruction include the following:
  - Learning to mastery
  - Multisensory instruction

Clark, D., & Uhry, J. (Eds.). (2004). *Dyslexia: Theory and practice of instruction* (3rd ed.). Austin, TX: Pro-Ed.

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5. Henry (2010, p. 21) states the following:

By teaching the concepts inherent in the word origin and word structure model across a decoding-spelling continuum from the early grades through at least eighth grade, and by using technology when it serves to reinforce these concepts, teachers ensure that students have strategies to decode and spell most words in the English language. This framework and continuum readily organize a large body of information for teachers and their students. Not only do students gain a better understanding of English word structure, but they also become better readers and spellers.

Henry, M. K. (2010). *Unlocking literacy: Effective decoding and spelling instruction* (2nd ed.). Baltimore, MD: Paul H. Brookes Publishing.

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6. Mather and Wendling (2012, p. 171) state the following:

Individuals with dyslexia need to

- understand how phonemes (sounds) are represented with graphemes (letters);
- learn how to blend and segment phonemes to pronounce and spell words;
- learn how to break words into smaller units, such as syllables, to make them easier to pronounce;
- learn to recognize and spell common orthographic graphic patterns (e.g., -tion);
- learn how to read and spell words with irregular elements (e.g., ocean); and
- spend time engaged in meaningful reading and writing activities.

Mather, N. M., & Wendling, B. J. (2012). *Essentials of dyslexia assessment and intervention*. Hoboken, NJ: John Wiley & Sons.

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7. Moats (1999, pp. 7–8) states that

Well designed, controlled comparisons of instructional approaches have consistently supported these components and practices in reading instruction:

- **direct teaching** of decoding, comprehension, and literature appreciation;
- **phoneme awareness** instruction;
- **systematic and explicit instruction** in the code system of written English;
- daily exposure to a variety of texts, as well as incentives for children to read independently and with others;
- **vocabulary** instruction that includes a variety of complementary methods designed to explore the relationships among words and the relationships among word structure, origin, and meaning;
- **comprehension** strategies that include prediction of outcomes, summarizing, clarification, questioning, and visualization; and
- frequent **writing** of prose to enable a deeper understanding of what is read.

Moats, L. C. (1999). *Teaching reading is rocket science: What expert teachers of reading should know and be able to do* (Item No. 39-0372). Washington, DC: American Federation of Teachers.

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8. Moats (1999, pp. 7– 20) states the following:

The **knowledge and skills needed to teach reading** include the following:

- The psychology of reading and reading development
  - Basic facts about reading
  - Characteristics of poor and novice readers
  - Environmental and physiological factors in reading development
  - How reading and spelling develop

- Knowledge of the language structure
  - **Phonology**
  - **Phonetics**
  - **Morphology**
  - **Orthography**
  - **Semantics**
  - **Syntax and text structure**
- Practical skills of instruction—use of validated instructional practices
- Assessment of classroom reading and writing skills

Moats, L. C. (1999). *Teaching reading is rocket science: What expert teachers of reading should know and be able to do* (Item No. 39-0372). Washington, DC: American Federation of Teachers.

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9. The National Reading Panel's (2000) *Report of the National Reading Panel* highlights the following:

Emphasis is placed on the importance of **identifying early** which children are at risk for reading failure and **intervening quickly** to help them.

How reading is taught matters—reading instruction is most effective when it is taught **comprehensively, systematically, and explicitly**.

National Reading Panel. (2000). *Report of the National Reading Panel: Teaching children to read: An evidence-based assessment of the scientific research literature on reading and its implications for reading instruction*. Washington, DC: National Institute of Child Health and Human Development.

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10. Shaywitz (2005, pp. 257–262) outlines the following essentials for a successful reading intervention and effective early intervention program:

Essentials of a successful reading intervention include the following:

- **Early intervention**—The best intervention begins in kindergarten with remediation beginning in first grade.
- **Intense instruction**—Reading instruction must be delivered with great intensity. Optimally, a child who is struggling to read should be given instruction in a group of three and no larger than four students, and the child should receive this focused reading instruction at least four, and preferably five, days a week.
- **High-quality instruction**—High-quality instruction is provided by a highly qualified teacher. Recent studies highlight the difference that a teacher can make in the overall success or failure of a reading program.
- **Sufficient duration**—One of the most common errors in teaching a student with dyslexia to read is to withdraw prematurely the instruction that seems to be working. A child who is reading accurately but not fluently at grade level still requires intensive reading instruction.

Essentials of an effective **early intervention** program include the following:

- Systematic and direct instruction in the following:
  - **Phonemic awareness**—noticing, identifying, and manipulating the sounds of spoken language
  - **Phonics**—how letters and letter groups represent the sounds [of] spoken language
  - Sounding out words (decoding)
  - Spelling
  - Reading sight words
  - **Vocabulary** and concepts
  - **Reading comprehension** strategies
- Practice in applying the above skills in reading and in writing
- **Fluency** training
- Enriched language experiences: listening to, talking about, and telling stories

Shaywitz, S. (2003). *Overcoming dyslexia: A new and complete science-based program for reading problems at any level*. New York, NY: Alfred A. Knopf.

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11. Torgesen (2004, p. 376) states the following:

The first implication for practice and educational policy is that schools must work to provide **preventive interventions** to eliminate the enormous reading practice deficits that result from prolonged reading failure. The second implication is that schools must find a way to provide interventions for older children with reading disabilities that are appropriately focused and sufficiently intensive.

Torgesen, J. K. (2004). Lessons learned from research on interventions for students who have difficulty learning to read. In P. McCardle, & V. Chhabra (Eds.), *The voice of evidence in reading research* (pp. 355–382). Baltimore, MD: Paul H. Brookes Publishing.

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12. Vaughn and Linan-Thompson (2003, pp. 299–320) state the following:

- Mounting evidence suggests that most students with reading problems can make significant gains in reading if provided **systematic, explicit, and intensive** reading instruction based on critical elements associated with improved reading such as **phonemic awareness, phonics, fluency in word recognition and text reading, and comprehension**.
- There were no statistically significant differences between students receiving intervention instruction in a teacher-to-student ratio of 1:1 or 1:3 though both groups outperformed students in a 1:10 teacher to student ratio.
- Student progress determined the length of intervention.

Vaughn, S., & Linan-Thompson, S. (2003). Group size and time allotted to intervention. In B. Foorman (Ed.), *Preventing and remediating reading difficulties* (pp. 275–320). Parkton, MD: York Press.

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13. The International Dyslexia Association (2009, pp. 1–2) states the following:

Professional practitioners, including **teachers or therapists, should have had specific preparation in the prevention and remediation of language-based reading and writing difficulties**. Teachers and therapists should be able to state and provide documentation of their credentials in the prevention and remediation of language-based reading and writing difficulties, including program-specific training recommended for the use of specific programs.

The International Dyslexia Association. (2009, March). *Position statement: Dyslexia treatment programs*.

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14. The International Dyslexia Association's *Knowledge and Practice Standards for Teachers of Reading* provides **standards for teachers** of students with dyslexia.

The International Dyslexia Association. (2010). *Knowledge and practice standards for teachers of reading*.

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15. The International Multisensory Structured Language Education Council (IMSLEC) provides accreditation in quality training courses for the professional preparation of multisensory **structured language education specialists**.

International Multisensory Structured Language Education Council (IMSLEC): <http://www.imslec.org>

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## Ineffective Treatment for Dyslexia

Interventions that claim to treat dyslexia in the absence of print are generally ineffective. Claims of ineffective treatments for dyslexia may use terms or techniques described as “brain training,” “crossing the midline,” “balance therapy,” and others. While some treatments may ameliorate conditions other than dyslexia, their use for students with dyslexia has not been proven effective. Figure 4.2 addresses some commonly advertised interventions that may be purported to treat dyslexia, but scientific, peer-reviewed research has demonstrated ineffective results for students with dyslexia.

**Figure 4.2. Treatments Ineffective for Dyslexia**

Examples	What Research Has Found	Citation
Colored Overlays and Colored Lenses	“Consistent with previous reviews and advice from several professional bodies, we conclude that the use of coloured overlays to ameliorate reading difficulties cannot be endorsed and that any benefits reported in clinical settings are likely to be the result of placebo, practice, or Hawthorne effects.”	Griffiths, P.G., Taylor, R.H., Henderson, L.M., & Barrett, B.T. (2016). The effect of coloured overlays and lenses on reading: a systematic review of the literature. <i>Ophthalmic &amp; Physiological Optics</i> , 36, 519–544. <a href="https://doi.org/10.1111/opo.12316">https://doi.org/ 10.1111/opo.12316</a>
Specialized fonts designed for people with dyslexia	“Dyslexie font did not lead to improved reading compared to normal “Arial” font, nor was it preferred by most students.”	Kuster, S. M., van Weerdenburg, M., Gompel, M., & Bosman, A. M. (2018). Dyslexie font does not benefit reading in children with or without dyslexia. <i>Annals of Dyslexia</i> , 68, 25-42. <a href="https://doi.org/10.1007/s11881-017-0154-6">https://doi.org/10.1007/s11881-017-0154-6</a>
Vision Therapy	“Scientific evidence does not support the claims that visual training, muscle exercises, ocular pursuit-and-tracking exercises, behavioral/ perceptual vision therapy, “training” glasses, prisms, and colored lenses and filters are effective direct or indirect treatments for learning disabilities. There is no valid evidence that children who participate in vision therapy are more responsive to educational instruction than children who do not participate..”	Handler, S.M., Fierson, W.M., et al. (2011). Joint technical report - learning disabilities, dyslexia, and vision. <i>Pediatrics</i> , 127, e818-56. <a href="https://doi.org/10.1542/peds.2010-3670">https://doi.org/10.1542/peds.2010-3670</a>
Specific Working Memory Training Programs	“The authors conclude that working memory training programs appear to produce short-term, specific training effects that do not generalize to measures of “real-world” cognitive skills. These results seriously question the practical and theoretical importance of current computerized working memory programs as methods of training working memory skills.”	Melby-Lervåg, M., Redick, T. & Hulme, C. (2016). Working memory training does not improve performance on measures of intelligence or other measures of “far transfer”: Evidence from a meta-analytic review. <i>Perspectives on Psychological Science</i> , 11, 512-534. <a href="https://DOI:10.1177/1745691616635612">https://DOI: 10.1177/1745691616635612</a>

## Instructional Accommodations for Students with Disabilities

Students with dyslexia who receive dyslexia instruction that contains the components described in this chapter will be better equipped to meet the demands of grade-level or course instruction. In addition to dyslexia instruction, accommodations provide the student with dyslexia effective and equitable access to grade-level or course instruction in the general education classroom. **Accommodations are not one size fits all; rather, the impact of dyslexia on each individual student determines the necessary accommodation.**

Listed below are **examples** of reasonable classroom accommodations:

- Copies of notes (e.g., teacher- or peer-provided)
- Note-taking assistance
- Additional time on class assignments and tests
- Reduced/shortened assignments (e.g., chunking assignments into manageable units, fewer items given on a classroom test or homework assignment without eliminating concepts, or student planner to assist with assignments)
- Alternative test location that provides a quiet environment and reduces distractions
- Priority seating assignment
- Oral reading of directions or written material
- Word banks
- Audiobooks
- Text to speech
- Speech to text
- Electronic spellers
- Electronic dictionaries
- Formula charts
- Adaptive learning tools and features in software programs

Accommodations are changes to materials, actions, or techniques, including the use of technology, that enable students with disabilities to participate meaningfully in grade-level or course instruction. The use of accommodations occurs primarily during classroom instruction as educators use various instructional strategies to meet the needs of each student. A student may need an accommodation only temporarily while learning a new skill, or a student might require the accommodation throughout the school year and over several years including beyond graduation.

Decisions about which accommodations to use are very individualized and should be made for each student by that student's ARD or Section 504 committee, as appropriate. Students can, and should, play a significant role in choosing and using accommodations. Students need to know what accommodations are possible, and then, based on knowledge of their personal strengths and limitations, they select and try accommodations that might be useful for them. The more input students have in their own accommodation choices, the more likely it is that they will use and benefit from the accommodations.

When making decisions about accommodations, instruction is always the foremost priority. Not all accommodations used in the classroom are allowed during a state assessment. However, an educator's ability to meet the individual needs of a student with dyslexia or provide support for the use of an accommodation should not be limited by whether an accommodation is allowable on a state assessment.



In order to make accommodation decisions for students, educators should have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators should also collect and analyze data pertaining to the use and effectiveness of accommodations (e.g., assignment/test scores with and without the accommodation, observational reports from parents and teachers) so that informed educational decisions can be made for each student. By analyzing data, an educator can determine if the accommodation becomes inappropriate or unnecessary over time due to the student's changing needs. Likewise, data can confirm for the educator that the student still struggles in certain areas and should continue to use the accommodation.

For more information about accommodations, see [Accommodations for students with Disabilities](https://dyslexiaida.org/accommodations-for-students-with-dyslexia/) available at <https://dyslexiaida.org/accommodations-for-students-with-dyslexia/>.

### Access to Instructional Materials for Students with Disabilities

Accessible instructional materials (AIM) are textbooks and related core instructional materials that have been converted into specialized formats (e.g., Braille, audio, digital text, or large print) for students who are blind or have low vision, have a physical disability, or have a reading disability such as dyslexia. Digital books or text-to-speech functions on computers and mobile devices provide access to general education curriculum for students with dyslexia. **Bookshare** and **Learning Ally** provide electronic access to digitally recorded materials for students with print disabilities. TEA provides links to these resources as well as other accessible instructional materials for students with disabilities at <http://www.tea.state.tx.us/index2.aspx?id=2147487109>.

### Texas State Student Assessment Program Accommodations for Students with Disabilities

Educators, parents, and students must understand that accommodations provided during classroom instruction and testing might differ from accommodations allowed for use on state assessments. The state assessment is a standardized tool for measuring every student's learning in a reliable, valid, and secure manner. An accommodation used in the classroom for learning may invalidate or compromise the security and integrity of the state assessment; therefore, not all accommodations suitable for instruction are allowed during the state assessments. It is important to keep in mind that the policies for accommodation use on state assessments **should not** limit an educator's ability to develop individualized materials and techniques to facilitate student learning. **Instruction comes first** and can be customized to meet the needs of each student.

For the purposes of the statewide assessments, students needing accommodations due to a disability include the following:

- Students with an identified disability who receive special education services and meet established eligibility criteria for certain accommodations.
- Students with an identified disability who receive Section 504 services and meet established eligibility criteria for certain accommodations.
- Students with a disabling condition who do not receive special education or Section 504 services but meet established eligibility criteria for certain accommodations.

For students who receive special education or Section 504 services, the decision for student use of accommodations during the statewide assessments is made by the ARD committee or Section 504

committee. In those rare instances where a student does not receive services but meets the eligibility criteria due to a disabling condition, the decision about using accommodations on the state-wide assessments is made by the appropriate team of people at the campus level, such as the RTI team or student assistance team. For more information about accommodations on statewide assessments, visit <https://tea.texas.gov/accommodations/>.

## Enrollment in Gifted/Talented and Advanced Academic Programs

A student who has been identified with dyslexia can also be a gifted learner, or a twice-exceptional learner. A twice-exceptional learner is a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who exhibits high-performance capability in an intellectual, creative, or artistic area; possesses an unusual capacity for leadership; or excels in a specific academic field and who also gives evidence of one or more disabilities as defined by federal or state eligibility criteria. Disability criteria may include the following:

- Learning disabilities
- Speech and language disorders
- Emotional/behavioral disorders
- Physical disabilities
- Traumatic brain injury
- Autism spectrum disorder
- Sensory disabilities (hearing impaired, visually impaired, blind-deaf)
- Other health impairments that limit strength, vitality, or alertness (such as ADHD)

Twice-exceptional students make up a highly diverse group of learners. While they do not form a simple, homogenous group, there are indicators that tend to be typical of many children who are both gifted and who also have a disability. Cognitive and affective indicators may include strengths such as extreme curiosity and questioning, high levels of problem-solving and reasoning skills, and advanced ideas/opinions which they are uninhibited about expressing. Cognitive and affective challenges twice-exceptional learners may exhibit include discrepant verbal and performance abilities, deficient or extremely uneven academic skills, and auditory and/or visual processing problems which may cause them to respond or work slowly or appear to think slowly. For more information regarding general characteristics of twice-exceptional learners, please see [www.gtequity.org/twice/docs/generalcharacteristics.pdf](http://www.gtequity.org/twice/docs/generalcharacteristics.pdf) on TEA's Equity in G/T Education website.

Due to the diversity of twice-exceptional students, the identification of twice-exceptional learners can be challenging. Evaluation and identification require those vested in the education of these learners to be knowledgeable of the unique characteristics and behaviors demonstrated by twice-exceptional learners. Often the disability masks the giftedness, which places emphasis on barriers to learning instead of the potential that the learner has as a result of the gifted attributes. Conversely, the giftedness may mask the disability, which may result in the learner's experiencing gaps in learning compounded by the disability, thus affecting how the learner perceives his or her abilities.

Twice-exceptional students must be provided access to all service and course options available to other students. Section 504 and Title II of the Americans with Disabilities Act (ADA), require that qualified students with disabilities be given the same opportunities to compete for and benefit from accelerated programs and classes as are given to students without disabilities [34 C.F.R. §104.4(b)(1)(ii) and 28 C.F.R. §35.130(b)(1)(ii)]. A student with a disability such as dyslexia or a related disorder may not be denied admission to an accelerated or advanced class or program solely because of the students need for special education or related aids or services or because the student has an IEP or Section 504 plan.

Additionally, a student with a disability may not be prohibited from using special education or related aids as a condition of participating in an accelerated or advanced class or program. Participation by a student with a disability in an accelerated or advanced class or program generally would be considered part of the regular education referenced in IDEA and Section 504 regulations. Thus, if a qualified student with a disability requires related aids and services to participate in a regular education class or program, the school cannot deny that student the needed related aids and services in an accelerated or advanced class or program. It is important to note that a district or school does not have to provide a student with an accommodation or modification “that fundamentally alters the nature of” an accelerated or advanced course or program. Rather, a district or school “must consider a student’s ability to participate in the program with reasonable accommodations.” (GBL et al v. Bellevue School District #405).

In determining the appropriate courses and programs, the following questions should be considered by a twice-exceptional learner’s ARD or Section 504 committee:

- Does the student meet the basic eligibility or admission requirements applied to ALL students?
- Does the student need special education or related aids and services to receive a free and appropriate public education (FAPE)?
- Do the academic accommodations or related aids and services constitute a fundamental alteration of the program?

The U.S. Department of Education’s Office for Civil Rights offers information for addressing students with disabilities seeking enrollment in advanced academic programs such as Advanced Placement and International Baccalaureate courses. For more information, see the Dear Colleague Letter regarding Access by Students with Disabilities to Accelerated Programs at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.html>.

Additional support, information, and resources are available through the Equity in Gifted/Talented (G/T) Education website at [www.gtequity.org/index.php](http://www.gtequity.org/index.php). The *Texas State Plan for the Education of Gifted/Talented Students*, available at [www.tea.state.tx.us/index2.aspx?id=6420](http://www.tea.state.tx.us/index2.aspx?id=6420), mandates that once any student is identified as gifted, he/she must be provided gifted/talented services that are commensurate with his/her abilities (1.4C, 1.6C, 2.1C, and 3.3C). Additionally, due to the disability, twice-exceptional learners should have an IEP through special education services or a §504 plan through general education. Additional support for districts serving twice-exceptional students is available at [www.gtequity.org/twice.php](http://www.gtequity.org/twice.php).

### *Sources for Enrollment in Gifted/Talented and Advanced Academic Programs*

GBL et al v. Bellevue School District #405. No. 2:2012cv00427. (U.S. District Court, W.D. Washington, 2013).

Texas Education Agency. (2008–2015). Equity in G/T Education: Twice-Exceptional Students and G/T Services. Retrieved from <http://www.gtequity.org>.

Texas State Board of Education. (2009). *Texas State Plan for the Education of Gifted/Talented Students*. Retrieved from [https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Gifted\\_and\\_Talented\\_Education/Gifted\\_Talented\\_Education/](https://tea.texas.gov/Academics/Special_Student_Populations/Gifted_and_Talented_Education/Gifted_Talented_Education/).

U.S. Department of Education, Office for Civil Rights. Dear Colleague Letter regarding Access by Students with Disabilities to Accelerated Programs. (December 26, 2007). Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.html>.

## V. Dysgraphia

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Texas state law requires districts and charter schools to identify students who have dyslexia and related disorders. Texas Education Code §38.003 identifies the following examples of related disorders: developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability. Recent research in the field of dysgraphia has prompted the addition of the following guidance regarding the evaluation, identification, and provision of services for students with dysgraphia.

### Definition and Characteristics of Dysgraphia

Difficulty with handwriting frequently occurs in children with dyslexia. When Texas passed dyslexia legislation, the co-existence of poor handwriting with dyslexia was one reason why dysgraphia was called a related disorder. Subsequently, dyslexia and dysgraphia have been found to have diverse co-morbidities, including phonological awareness (Döhla and Heim, 2016). However, dyslexia and dysgraphia are now recognized to be distinct disorders that can exist concurrently or separately. They have different brain mechanisms and identifiable characteristics.

Dysgraphia is related to dyslexia, as both are language-based disorders. In dyslexia, the impairment is with word-level skills (decoding, word identification, spelling). Dysgraphia is a written language disorder in serial production of strokes to form a handwritten letter. This involves not only motor skills but also language skills – finding, retrieving and producing letters, which is a subword level language skill. The impaired handwriting may interfere with spelling and/or composing, but individuals with only dysgraphia do not have difficulty with reading (Berninger, Richards, & Abbott, 2015).

A review of recent evidence indicates that dysgraphia is best defined as a neurodevelopmental disorder manifested by illegible and/or inefficient handwriting due to difficulty with letter formation. This difficulty is the result of deficits in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms) (Berninger, 2015). Secondary consequences may include problems with spelling and written expression. It is not solely due to lack of instruction and is not associated with other developmental or neurological conditions that involve motor impairment.

The characteristics of dysgraphia include the following:

- Variably shaped and poorly formed letters
- Excessive erasures and cross-outs
- Poor spacing between letters and words
- Letter and number reversals beyond early stages of writing
- Awkward, inconsistent pencil grip
- Heavy pressure and hand fatigue
- Slow writing and copying with legible or illegible handwriting (Andrews & Lombardino, 2014)

Additional consequences of dysgraphia may also include:

- Difficulty with unedited written spelling
- Low volume of written output as well as problems with other aspects of written expression

Dysgraphia is not:

- Evidence of a damaged motor nervous system
- Part of a developmental disability that has fine motor deficits (e.g., intellectual disability, autism, cerebral palsy)
- Secondary to a medical condition (e.g., meningitis, significant head trauma, brain trauma)
- Associated with generalized developmental motor or coordination difficulties (Developmental Coordination Disorder)
- Impaired spelling or written expression with typical handwriting (legibility and rate) (Berninger, 2004).

Dysgraphia can be due to:

- Impaired feedback the brain is receiving from the fingers
- Weaknesses using visual processing to coordinate hand movement and organize the use of space
- Problems with motor planning and sequencing
- Difficulty with storage and retrieval of letter forms (Levine, 1999)

Despite the widespread beliefs that handwriting is purely a motor skill or that only multisensory methods are needed to teach handwriting, multiple language processes are also involved in handwriting. Handwriting draws on language by hand (letter production), language by ear (listening to letter names when writing dictated letters), language by mouth (saying letter names), and language by eye (viewing the letters to be copied or reviewing for accuracy the letters that are produced from memory) (Berninger & Wolf, 2016).

### *Sources for Definition and Characteristics of Dysgraphia*

Andrews, J. and Lombardino, L. (2014). Strategies for teaching handwriting to children with writing disabilities. *ASHA SIG1 Perspectives on Language Learning Education*. 21:114-126.

Berninger, V.W. (2004). Understanding the graphia in dysgraphia. In *Developmental Motor Disorders: A Neuropsychological Perspective*. D. Dewry and D. Tupper (Eds.), New York, NY, US: Guilford Press.

Berninger, V.W. (2015). *Interdisciplinary frameworks for schools: Best practices for serving the needs of all student*. Washington, D.C.: American Psychological Association.

Berninger, V.W., Richards, T.L. and Abbott, R. D. (2015) *Differential Diagnosis of Dysgraphia, Dyslexia, and OWL LD: Behavioral and Neuroimaging Evidence*. *Read Writ*. 2015 Oct;28(8):1119-1153.

Berninger, V., & Wolf, B. (2016). *Dyslexia, Dysgraphia, OWL LD, and Dyscalculia: Lessons from Science and Teaching* (Second ed.). Baltimore, Maryland: Paul H Brookes Publishing.

Döhla, D. and Heim, S. (2016). *Developmental dyslexia and dysgraphia: What can we learn from the one about the other?* *Frontiers in Psychology*. 6:2045.

Levine, M.D. (1999). *Developmental Variation and Learning Disorders*. Cambridge, MA: Educators Publishing Service, Inc.

## Procedures for Evaluation

The process of identifying dysgraphia will follow one of two procedures. School districts and charter schools may evaluate for dysgraphia through either IDEA or Section 504. If a student is suspected of having a disability within the scope of IDEA, all special education procedures must be followed. These procedural processes require coordination among the teacher, campus administrators, diagnosticians, and other professionals as appropriate when factors such as a student's English language acquisition, previously identified disability, or other special needs are present.

The first step in the evaluation process, data gathering, should be an integral part of the district's or charter school's process for any student exhibiting learning difficulties. Documentation of the following characteristics of dysgraphia could be collected during the data gathering phase:

- Slow or labored written work
- Poor formation of letters
- Improper letter slant
- Poor pencil grip
- Inadequate pressure during handwriting (too hard or too soft)
- Excessive erasures
- Poor spacing between words
- Poor spacing inside words
- Inability to recall accurate orthographic patterns for words
- "b" and "d" reversals beyond developmentally appropriate time
- Inability to copy words accurately
- Inability of student to read what was previously written
- Overuse of short familiar words such as "big"
- Avoidance of written tasks
- Difficulty with visual-motor integrated sports or activities

While schools must follow federal and state guidelines, they must also develop procedures that address the needs of their student populations. Schools shall recommend evaluation for dysgraphia if the student demonstrates the following:

- Impaired or illegible handwriting that is unexpected for the student's age/grade
- Impaired handwriting that interferes with spelling, written expression, or both that is unexpected for the student's age/grade

### **1. Data Gathering**

Schools collect data on all students to ensure that instruction is appropriate and scientifically based. Essential components of comprehensive literacy instruction, including writing, are defined in section 2221(b) of ESSA as explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff.

Any time from kindergarten through grade 12 a student continues to struggle with one or more components of writing, schools must collect additional information about the student. Schools should use previously collected as well as current information to evaluate the student's academic progress and determine what

actions are needed to ensure the student’s improved academic performance. The collection of various data, as indicated in Figure 5.1 below, will provide information regarding factors that may be contributing to or primary to the student’s struggles with handwriting, spelling, and written expression.

### Cumulative Data

The academic history of each student will provide the school with the cumulative data needed to ensure that underachievement in a student suspected of having dysgraphia is not due to lack of appropriate instruction in handwriting, spelling, and written expression. This information should include data that demonstrates that the student was provided appropriate instruction and include data-based documentation of repeated evaluations of achievement at reasonable intervals (progress monitoring), reflecting formal evaluation of student progress during instruction. This cumulative data also includes information from parents/guardians. Sources and examples of cumulative data are provided in Figure 5.1.

Figure 5.1. Sources and Examples of Cumulative Data	
<ul style="list-style-type: none"> <li>• Vision screening</li> <li>• Teacher reports of classroom concerns</li> <li>• Parent reports of concerns about handwriting, spelling, or written expression</li> <li>• Classroom handwriting assessments</li> <li>• Classroom spelling assessments</li> <li>• Samples of written work (e.g., journal, story responses, writing samples, etc.)</li> <li>• Accommodations or interventions provided</li> <li>• Academic progress reports (report cards)</li> <li>• Gifted/talented assessments</li> <li>• Samples of written schoolwork (both timed and untimed)</li> </ul>	<ul style="list-style-type: none"> <li>• State student assessment program results as described in TEC §39.022</li> <li>• Observations of instruction provided to the student</li> <li>• Full Individual and Initial Evaluation (FIIE)</li> <li>• Outside evaluations</li> <li>• Speech and language assessment</li> <li>• School attendance</li> <li>• Curriculum-based assessment measures</li> <li>• Instructional strategies provided and student’s response to the instruction</li> <li>• Universal Screening</li> <li>• Parent survey</li> </ul>

## 2. Initial Evaluation Pathways

The district or charter school must make data-informed decisions that reflect the input of staff and parents for every student on an individual basis, every time. They must consider all resources and services based on student need. The district or charter school should carefully consider all of the relevant student data to gauge the level of impact that a student’s specific presentation of dysgraphia will have on his or her ability to access and make progress in the general curriculum. If it is suspected that the student may need special education because of dysgraphia, the student should be evaluated under IDEA. If the district or school suspects that the student may need interventions and accommodations specific to dysgraphia rather than special education services, then the student should be evaluated under §504.

Students who are currently eligible under IDEA and have an IEP and who are now suspected of having dysgraphia must undergo a reevaluation under IDEA.



### 3. Formal Evaluation

After data gathering, the next step in the process is formal evaluation. This is not a screening; rather, it is an individualized evaluation used to gather evaluation data. Formal evaluation includes both formal and informal data. All data will be used to determine whether the student demonstrates a pattern of evidence for dysgraphia. Information collected from the parents/guardians also provides valuable insight into the student's early years of written language development. This history may help to explain why students come to the evaluation with many different strengths and weaknesses; therefore, findings from the formal evaluation will be different for each child. Professionals conducting evaluations for the identification of dysgraphia will need to look beyond scores on standardized assessments alone and examine the student's classroom writing performance, educational history, and early language experiences to assist with determining handwriting, spelling, and written expression abilities and difficulties.

#### *Notification and Permission*

When formal evaluation is recommended, the school completes the evaluation process as outlined in IDEA or Section 504. Procedural safeguards under IDEA and §504 must be followed. For more information on procedural safeguards, see Appendix D, IDEA/Section 504 Side-by-Side chart, and TEA's [Parent Guide to the Admission, Review, and Dismissal Process \(Parent's Guide\)](#) or [OCR's Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#).

The individual needs of the student will determine the appropriate evaluation/identification process to use. The notices and requests for consent must be provided in the native language of parents/guardians or other mode of communication used by parents/guardians unless it is clearly not feasible to do so.

#### *Tests and Other Evaluation Materials*

In compliance with IDEA and Section 504, test instruments and other evaluation materials must meet the following criteria:

- Be validated for the specific purpose for which the tests, evaluations, and other evaluation materials are used
- Include material tailored to assess specific areas of educational need and not merely materials that are designed to provide a single general intelligence quotient
- Be selected and administered to ensure that, when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills
- Be selected and administered in a manner that is not racially or culturally discriminatory
- Include multiple measures of a student's writing abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion-referenced evaluations, samples of written work, classroom observations)
- Be administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials

- Be used for the purpose for which the evaluation or measures are valid or reliable
- Be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer

## Domains to Assess

### *Academic Skills*

The school administers measures that are related to the student's educational needs. Difficulties in the areas of letter formation, orthographic awareness, and general handwriting skills may be evident dependent on the student's age and writing development. Additionally, many students with dysgraphia may have difficulty with spelling and written expression.

### *Cognitive Processes*

The process of handwriting requires the student to rely on memory for letters or symbol sequences, also known as orthographic processing. Memory for letter patterns, letter sequences, and the letters in whole words may be selectively impaired or may coexist with phonological processing weaknesses. When spelling, a student must not only process both phonological and orthographic information, but also apply their knowledge of morphology and syntax (Berninger & Wolf, 2009).

Figure 5.2. Areas for Evaluation		
<u>Academic Skills</u>	<u>Cognitive Processes</u>	<u>Possible Additional Areas</u>
<ul style="list-style-type: none"> <li>• Letter formation</li> <li>• Handwriting</li> <li>• Word/sentence dictation (timed and untimed)</li> <li>• Copying of text</li> <li>• Written expression</li> <li>• Writing fluency (both accuracy and fluency)</li> </ul>	<ul style="list-style-type: none"> <li>• Memory for letter or symbol sequences (orthographic processing)</li> <li>• </li> </ul>	<ul style="list-style-type: none"> <li>• Phonological awareness</li> <li>• Phonological memory</li> <li>• Working memory</li> <li>• Letter retrieval</li> <li>• Letter matching</li> </ul>

Berninger, V. W., & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

## Procedures for Identification

The Identification of dysgraphia is made by either the Section 504 committee or an admission, review, and dismissal (ARD) committee under IDEA. To make an informed determination, either committee must include members who are knowledgeable about the following:

- Student being assessed
- Evaluation instruments being used
- Interpretation of the data being collected

Additionally, the committee members should have knowledge regarding

- the handwriting process;
- dysgraphia and related disorders;
- dysgraphia instruction, and;
- district or charter school, state, and federal guidelines for evaluation.

**Review and Interpretation of Data and Evaluation**

To appropriately understand evaluation data, the committee of knowledgeable persons (§504 or ARD) must interpret tests results in light of the student’s educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning.

The committee (Section 504 or ARD) must first determine if a student’s difficulties in the areas of writing and spelling reflect a pattern of evidence for the primary characteristics of dysgraphia with unexpectedly low performance for the student’s age and educational level in some or all of the following areas:

- Handwriting
- Writing fluency (accuracy and rate)
- Written Expression
- Spelling

Based on the above information and guidelines, should the committee (Section 504 or ARD) determine that the student exhibits weakness in writing and spelling, the committee will then examine the student’s data to determine whether these difficulties are unexpected in relation to the student’s other abilities, sociocultural factors, language differences, irregular attendance, or lack of appropriate and effective instruction. For example, the student may exhibit strengths in areas such as reading comprehension, listening comprehension, oral verbal ability, or math reasoning yet still have difficulty with writing and spelling.

**Therefore, it is not one single indicator but a preponderance of informal and formal data that provide the committee with evidence for whether these difficulties are unexpected.**

**Dysgraphia Identification**

If the student’s difficulties are unexpected, in relation to other abilities, the Section 504 or ARD committee must then determine if the student has dysgraphia. The list of questions in Figure 5.3 below must be considered when making a determination regarding dysgraphia.

Figure 5.3. Questions to Determine the Identification of Dysgraphia
<ul style="list-style-type: none"><li>• Do the data show a pattern of low writing and spelling ability that is unexpected for the student in relation to the student’s other cognitive abilities and provision of effective classroom instruction?</li><li>• Does the pattern indicate the student has dysgraphia?</li><li>• Does the student meet eligibility as a student with a disability under Section 504 or IDEA?</li></ul>

Once dysgraphia has been identified, there are further eligibility questions the Section 504 or ARD committee must still consider. These considerations are discussed in greater detail below.

### *Review of Evaluation by Section 504 Committee*

If the Section 504 committee determines the student has dysgraphia, the committee must also determine whether the student has a disability under Section 504. A student has a disability under Section 504 if the physical or mental impairment (dysgraphia) substantially limits one or more major life activities, such as the specific activity of writing. Additionally, the Section 504 committee, in determining whether a student has a disability that substantially limits the student in a major life activity (writing), must not consider the ameliorating effects of any mitigating measures that student is using. If the Section 504 committee does not identify dysgraphia, but the student has another condition or disability that substantially limits the student, eligibility of Section 504 services related to the student's other condition or disability should be considered.

The Section 504 committee will also consider whether the student requires additional accommodations and/or related services for the provision of FAPE. Revision of the Section 504 Plan will occur as the student's response to instruction and use of accommodations, if any, is observed. Changes in instruction and/or accommodations must be supported by current data (e.g., classroom performance and dyslexia program monitoring).

### *Review of Evaluation by the Admission, Review, and Dismissal (ARD) Committee*

Within 30 calendar days of completion of the written evaluation report, the ARD committee will determine whether the student who has dysgraphia is eligible under IDEA as a student with a specific learning disability. A student with dysgraphia has a disability under IDEA if the student meets the criteria for a specific learning disability and, because of dysgraphia needs special education. The October 23, 2015 letter from the Office of Special Education and Rehabilitative Services (OSERS) (Dear Colleague: Dyslexia Guidance) states that dyslexia, dyscalculia, and dysgraphia are conditions that could qualify a child as a child with a specific learning disability under IDEA. The letter further states that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents. For more information, please visit <https://www2.ed.gov/policy/speced/guid/idea/memosdcrltrs/guidance-on-dyslexia-10-2015.pdf>.

If the student with dysgraphia is found eligible for special education, the student's individualized education program (IEP) must include appropriate writing instruction, which might include instruction from a related services provider.

### Instruction for Students with Dysgraphia

"... Done right, early handwriting instruction improves students' writing. Not just its legibility, but its *quantity and quality*." (p. 49)

—S. Graham, Want to Improve Children's Writing? Don't Neglect Their Handwriting, *American Educator*, 2010

Graham and his colleagues describe two reasons for teaching handwriting effectively. The first reason is what they call the Presentation Effect. Research demonstrates that, in general, a reader's evaluation of a composition's quality is influenced by how neatly it is written (Graham, Harris, & Hebert, 2011). The second reason that educational scientists give for teaching handwriting effectively is called the Writer Effect. Research demonstrates that handwriting difficulties interfere with other writing processes such as expression of ideas and organization. In fact, a 2016 meta-analysis showed that handwriting instruction

improved students' writing fluency, quantity, and quality. The findings of this research report were dramatic, showing moderate effects on writing fluency and very large effects on the number of words students wrote and the quality of their compositions (Santangelo & Graham, 2016).

*Handwriting interferes with other writing processes or consumes an inordinate amount of cognitive resources, at least until handwriting becomes automatic and fluent ...  
Handwriting-instructed students made greater gains than peers who did not receive handwriting instruction in the quality of their writing, how much they wrote, and writing fluency. (p. 226)*

—Santangelo & Graham, A Comprehensive Meta-Analysis of Handwriting Instruction, 2016

## Supporting Students Struggling with Handwriting

Between 10% and 30% of students struggle with handwriting. Early difficulties in this area are significantly correlated with poorer performance on composition tasks. The following are research-based elements of effective handwriting instruction. These elements, which apply to both manuscript and cursive handwriting, may not necessarily apply to an entire class but instead may be used to support instructional methods delivered in small groups with students whose penmanship is illegible or dysfluent.

1. Show students how to hold a pencil.
2. Model efficient and legible letter formation.
3. Provide multiple opportunities for students to practice effective letter formation.
4. Use scaffolds, such as letters with numbered arrows showing the order and direction of strokes.
5. Have students practice writing letters from memory.
6. Provide handwriting fluency practice to build students' automaticity.
7. Practice handwriting in short sessions.

—Adapted from Berninger et al., 1997; Berninger et al., 2006; Denton, Cope, & Moser, 2006; Graham et al., 2012; Graham, Harris, & Fink, 2000; Graham & Weintrub, 1996.

Some students who struggle with handwriting may actually have dysgraphia. Dysgraphia may occur alone, or with dyslexia. An assessment for dysgraphia, as it relates to dyslexia, is important in order to determine whether children need additional explicit, systematic instruction in handwriting only; handwriting and spelling; or handwriting, spelling, and written expression along with word reading and decoding (IDA, 2012).

TEC §38.003(b) states, "In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder."

While it is important for students with dysgraphia to receive the research-based elements of handwriting, spelling, and written language instruction as part of the core curriculum, for those students who require additional supports and services for dysgraphia, instructional decisions must be made by a committee (either Section 504 or ARD) that is knowledgeable about the instructional elements and delivery of instruction that is consistent with research-based practice.

## Handwriting

The research-based elements for effective instruction of handwriting as stated above for all students are the same for students with dysgraphia. However, the intensity, frequency, and delivery of instruction may need to be adjusted to meet specific student need as determined by the Section 504 or ARD committee. Figure 5.4 below provides a hierarchy of instruction for handwriting as a reference to best practice:

Figure 5.4. Handwriting Hierarchy of Instruction	
Posture	Also known as “Watch Our Writing” (W.O.W) <ul style="list-style-type: none"><li>• Feet are flat on the floor</li><li>• Back is straight</li><li>• Paper slanted so that the edge of the paper is parallel to the writing arm</li><li>• Paper anchored with non-writing hand</li><li>• Pencil grip and position correct</li></ul>
Grip	Normal tripod grip with pencil resting on first joint of middle finger with the thumb and index fingers holding the pencil in place at a 45° angle.
Letter Formation	Emphasis placed in the following order: <ul style="list-style-type: none"><li>• Shape</li><li>• Proportion</li><li>• Size</li><li>• Rhythm/fluency</li><li>• Slant</li></ul>
Sequence	<ul style="list-style-type: none"><li>• Lower case letters first; Capitals as needed beginning with first letters of student name</li><li>• Manuscript – group by stroke formation</li><li>• Cursive – group by beginning approach stroke</li><li>• Letters</li><li>• Syllables</li><li>• Words</li><li>• Phrases</li><li>• Sentences</li><li>• Paragraphs</li></ul>

## Spelling

Handwriting supports spelling, a complex process of translating a phoneme (spoken sound) to the corresponding grapheme (orthographic representation) in order to generate written text to express an idea. Orthography is the written spelling patterns and rules in a given language. Students must be taught the regularity and irregularity of the orthographic patterns of a language in an explicit and systematic manner. The instruction should be integrated with phonology and sound-symbol knowledge. Because spelling is meaning-driven and draws upon the phonological, orthographic, and morphological aspects of words students will benefit from systematic, explicit instruction based on the following guiding principles:

- Phoneme-grapheme correspondence
- Letter order and sequence patterns, or orthographic conventions:
  - syllable types
  - orthographic rules
  - irregular words
- Position of a phoneme or grapheme in a word
- Meaning (morphology) and part of speech
- Language of origin (Moats, 2005)

## *Writing*

A potential secondary consequence of dysgraphia is difficulty with the student expressing themselves in written text. This difficulty may be attributed to deficits in handwriting, spelling, language processing, or the integration of each of those skills. In Chapter IV of this handbook Moats and Dakin (2008) are quoted as stating:

*The ability to compose and transcribe conventional English with accuracy, fluency, and clarity of expression is known as basic writing skills. Writing is dependent on many language skills and processes and is often even more problematic for children than reading. Writing is a language discipline with many component skills that must be directly taught. Because writing demands using different skills at the same time, such as generating language, spelling, handwriting, and using capitalization and punctuation, it puts a significant demand on working memory and attention. Thus, a student may demonstrate mastery of these individual skills, but when asked to integrate them all at once, mastery of an individual skill, such as handwriting, often deteriorates. To write on demand, a student has to have mastered, to the point of being automatic, each skill involved (p. 55).*

Students with written expression difficulties because of dysgraphia would benefit from being taught explicit strategies for composing including planning, generating, reviewing/evaluating, and revising different genre including narrative, informational, compare and contrast, and persuasive compositions (IDA, 2012).

## **Delivery of Intervention**

The way the content is delivered should be consistent with the principles of effective intervention for students with dysgraphia including the following:

- **Simultaneous, multisensory (VAKT)** — “Teaching is done using all learning pathways in the brain (visual, auditory, kinesthetic-tactile) simultaneously in order to enhance memory and learning” (Birsh, 2018, p. 19). “Children are actively engaged in learning language concepts and other information, often by using their hands, arms, mouths, eyes, and whole bodies while learning” (Moats & Dakin, 2008, p. 58).
- **Systematic and cumulative** — “Multisensory language instruction requires that the organization of material follow order of the language. The sequence must begin with the easiest concepts and most basic elements and progress methodically to more difficult material. Each step must also be based on [elements] already learned. Concepts taught must be systematically reviewed to strengthen memory” (Birsh, 2018, p. 19).

- **Explicit instruction** — “Explicit instruction is explained and demonstrated by the teacher one language and print concept at a time, rather than left to discovery through incidental encounters with information. Poor readers do not learn that print represents speech simply from exposure to books or print” (Moats & Dakin, 2008, p. 58). Explicit Instruction is “an approach that involves direct instruction: The teacher demonstrates the task and provides guided practice with immediate corrective feedback before the student attempts the task independently” (Mather & Wendling, 2012, p. 326).
- **Diagnostic teaching to automaticity** — “The teacher must be adept at prescriptive or individualized teaching. The teaching plan is based on careful and [continual] assessment of the individual's needs. The content presented must be mastered to the degree of automaticity” (Birsh, 2018, p. 27). “This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student” (Moats & Dakin, 2008, p. 58). “When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner” (Berninger & Wolf, 2009, p. 70).

### *Sources for Critical, Evidence-Based Components and Delivery of Dysgraphia Instruction*

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Moats, L. C., & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems*. Baltimore, MD: The International Dyslexia Association.

Santangelo, T., & Graham, S. (June 2016). A comprehensive meta-analysis of handwriting instruction. *Educational Psychology Review*, 28(2), 225-265.

## Instructional Accommodations for the Student with Dysgraphia

By receiving instruction based on the elements described in this chapter, a student with dysgraphia is better equipped to meet the demands of grade-level or course instruction. In addition to targeted instruction, accommodations provide the student with dysgraphia effective and equitable access to grade-level or course instruction in the general education classroom. **Accommodations are not a one size fits all; rather, the impact of dysgraphia on each individual student determines the accommodation.** When considering accommodations for the student with dysgraphia, consider the following:

- The rate of producing written work
- The volume of the work to be produced
- The complexity of the writing task
- The tools used to produce the written product
- The format of the product (Texas Scottish Rite Hospital for Children, 2018, p. 5).

Listed below are **examples** of reasonable classroom accommodations for a student with dysgraphia based on the above considerations:

- Allow more time for written tasks including note taking, copying, and tests
- Reduce the length requirements of written assignments
- Provide copies of notes or assign a note taking buddy to assist with filling in missing information
- Allow the student to audio record important assignments and/or take oral tests
- Assist student with developing logical steps to complete a writing assignment instead of all at once
- Allow the use of technology (e.g., speech to text software, etc.)
- Allow the student to use cursive or manuscript, whichever is most legible and efficient
- Allow the student to use graph paper for math, or to turn lined paper sideways, to help with lining up columns of numbers
- Offer an alternative to a written project such as an oral report, dramatic presentation, or visual media project

Accommodations are changes to materials, actions, or techniques, including the use of technology, that enable students with disabilities to participate meaningfully in grade-level or course instruction. The use of accommodations occurs primarily during classroom instruction as educators use various instructional strategies to meet the needs of each student. A student may need an accommodation only temporarily

while learning a new skill, or a student might require the accommodation throughout the school year or over several years including beyond graduation.

Decisions about which accommodations to use are very individualized and should be made for each student by that student's ARD or Section 504 committee, as appropriate. Students can, and should, play a significant role in choosing and using accommodations. Students need to know what accommodations are possible, and then, based on knowledge of their personal strengths and limitations, they select and try accommodations that might be useful for them. The more input students have in their own accommodation choices, the more likely it is that they will use and benefit from the accommodations.

When making decisions about accommodations, instruction is always the foremost priority. Not all accommodations used in the classroom are allowed during a state assessment. However, an educator's ability to meet the individual needs of a student with dysgraphia or provide support for the use of an accommodation should not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators should have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators should also collect and analyze data pertaining to the use and effectiveness of accommodations (e.g., assignment/test scores with and without the accommodation, observational reports from parents and teachers) so that informed educational decisions can be made for each student. By analyzing data, an educator can determine if the accommodation becomes inappropriate or unnecessary over time due to the student's changing needs. Likewise, data can confirm for the educator that the student still struggles in certain areas and should continue to use the accommodation.

For more information about accommodations, see [At a Glance: Classroom Accommodations for Dysgraphia](https://www.understood.org/en/school-learning/partnering-with-childs-school/instructional-strategies/at-a-glance-classroom-accommodations-for-dysgraphia), available at <https://www.understood.org/en/school-learning/partnering-with-childs-school/instructional-strategies/at-a-glance-classroom-accommodations-for-dysgraphia>

## Technology Tools

There are many technology resources to assist a student with dysgraphia. The *Technology Integration for Students with Dyslexia* online tool (TEC §38.0031) is a resource developed to support school districts and charter schools in making instructional decisions regarding technology that benefit students with dyslexia and related disorders. For more information and to view this source, visit <https://www.region10.org/programs/dyslexia/techplan/>.

## Appendix A: Questions and Answers

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The following questions and answers relate to various topics important to dyslexia and related disorders.

### **Federal Law and Students with Dyslexia and Related Disorders<sup>1</sup>**

Two federal laws that are important to students with disabilities, including those with dyslexia and related disorders, are Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA). Section 504 is a civil rights law that prohibits discrimination on the basis of disability by, among others, public education agencies. IDEA is a federal law that makes a free and appropriate public education available to eligible children with disabilities and ensures special education and related services to those children. The IDEA also provides funding to help support these services. Appendix D provides a summary side-by-side chart of Section 504 and IDEA.

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#### **1. How do IDEA and Section 504 affect the way school districts and open-enrollment charter schools implement the state dyslexia laws and the State Board of Education (SBOE) rules and procedures?**

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If a student is suspected of having a disability within the scope of IDEA and a corresponding need for special education services, all IDEA special education procedures must be followed.

However, if a student is suspected of having a disability, but is not suspected of needing special education services, the student may still be eligible to receive certain accommodations and/or services outside of special education under Section 504. Schools must follow all Section 504 procedures for these students.

Meanwhile, SBOE rules state that—in order to maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal law—school districts and charter schools must provide these students with access to each program under which the student qualifies for services. Thus, under state rules and procedures when a student is identified for an individualized evaluation for dyslexia or a related disorder, the procedures for evaluating that student must be carried out in accord with the relevant provisions of the federal law determined to be the most appropriate path of evaluation for that student (either Section 504 or IDEA). SBOE rule 19 TAC §74.28 also provides additional requirements relating to dyslexia instruction, evaluation, and identification including notification of evaluation and consent of parents/guardians; opportunity for parents/guardians to examine relevant records; use of valid measures; and evaluation and placement by the committee of knowledgeable persons (Section 504 Committee/ARD Committee as appropriate) about the student, meaning of the evaluation data, and placement options.

<sup>1</sup> The following answers provide a brief response to the questions. For more detailed information, see Appendix D (IDEA/Section 504 Side-by-Side Chart)

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**2. Is every student identified with dyslexia or a related disorder a person with a disability within the meaning of Section 504?**

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To be a person with a disability within the meaning of Section 504, the student must have an impairment that substantially limits a major life activity such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working (34 C.F.R. §104.3(j)). Learning, reading, and writing are all major life activities. Therefore, a student with dyslexia or a related disorder may be considered to have a disability within the scope of Section 504 if the condition substantially limits the student's academic functioning or other major life activity. All students who qualify for IDEA would also be considered students who meet the criteria for Section 504 and would be protected under both statutes. If the dyslexia or related disorder impairs a student's ability to learn, the student has a disability and is protected by and must be served in accord with the requirements of Section 504. If the student also needs special education services as a result of this disability, the student is served under IDEA but continues to receive the protection from discrimination afforded by Section 504.

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**3. What dispute resolution mechanisms are available to parents/guardians who may not agree with the decisions made by a school district or open-enrollment charter school under Section 504 and IDEA?**

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Under IDEA, procedural protections available when disputes arise include mediation, due-process hearings, and complaints.

Mediation is a process where the parents of a student with a disability and the school district responsible for educating the student work with the help of a trained mediator toward a solution to a disagreement involving any matter related to a student's special education eligibility or educational program under the IDEA.

A special education due process hearing is a formal legal process similar to going to trial in a court. A due process hearing may be requested when a parent and the school do not agree about the identification, evaluation, educational placement or services of a student with a disability, and/or regarding the provision of a FAPE to a student with a disability.

A special education complaint may be filed with TEA when there is a concern that a school district or other public education agency has violated federal or state special education requirements.

Hearings are also available when the parent and school district have a dispute involving Section 504 services (34 C.F.R. 104.36). In addition, the U.S. Department of Education Office of Civil Rights (OCR) oversees Section 504 and has jurisdiction to investigate complaints involving Section 504 protections, as explained in OCR's Case Processing Manual.

The following provide additional information and guidance:

- [The Parent's Guide to the Admission, Review, and Dismissal Process](https://framework.esc18.net/Documents/ARD_Guide_ENG.pdf)  
[https://framework.esc18.net/Documents/ARD\\_Guide\\_ENG.pdf](https://framework.esc18.net/Documents/ARD_Guide_ENG.pdf)
- [Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities](http://framework.esc18.net/display/Webforms/LandingPage.aspx)  
<http://framework.esc18.net/display/Webforms/LandingPage.aspx>
- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf)  
<https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>  
<https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

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#### **4. Can parents/guardians refuse Section 504 or IDEA eligibility but accept dyslexia services?**

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For the student who has been evaluated and determined to be Section 504 eligible, OCR has indicated that parents/guardians can refuse the initial provision of Section 504 services and revoke consent for continued Section 504 services See *Letter to Durham*, 27 IDELR 380, OCR Dec. 1997; *OCR Senior Staff Memorandum*, 19 IDELR 892, OCR 1992. However, there is no authority in the Section 504 regulations or in published OCR guidance for the proposition that a parent/guardian can unilaterally remove Section 504 eligibility. All the parent/guardian can remove is the services; the nondiscrimination protections of Section 504 will remain.

IDEA works differently because of a specific regulation. IDEA contains a clear mechanism for parents/guardians to reject eligibility (by way of refusing consent for initial special education placement or revoking consent for continued special education placement). See 34 C.F.R. 300.300(b)(4), Revocation of Consent for Services. Section 504 has no similar regulation.

### **Relationship of Texas State Laws, Rules, and Procedures to Dyslexia**

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#### **5. What are the responsibilities of a school district or open-enrollment charter school in implementing the state dyslexia laws?**

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School districts and open-enrollment charter schools are required to provide every student with dyslexia or a related disorder with access to each program under which the student qualifies for services. Every school district and charter school must collect pertinent data for any student suspected of having dyslexia or a related disorder. (See Chapter III: Procedures for the Evaluation and Identification of Students with Dyslexia.) An ARD or Section 504 committee must review the relevant data and determine whether the student has dyslexia. If the student is identified with dyslexia, then the committee uses the data to determine instructional needs specific to the individual student. Each school must provide each identified student access at his/her campus to instructional programs as required by subsection (e) of 19 TAC §74.28 and to the services of a teacher trained in dyslexia and related disorders. The school district or charter school may, with the approval of each student's parents/guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his/her campus. Additional detail regarding requirements for implementation of state dyslexia law is included in 19 TAC §74.28.

If parents/guardians receive evaluation information related to their child's reading difficulties from a private individual or entity, the school district or open-enrollment charter school must consider the information provided by the parent/guardian. However, the school district or charter school must follow state law, rules, and procedures as well as local dyslexia policy to make the final determination of student eligibility for dyslexia and related disorders.

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**6. Who is responsible for overseeing the implementation of the dyslexia laws within a school district or open-enrollment charter school?**

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The local school board or board of trustees for each school district and open-enrollment charter school is responsible for implementation of federal law including IDEA and Section 504, state law, SBOE rule, and procedures for dyslexia services in their districts (TEC §38.003, TEC §7.028(b)), and 19 TAC §74.28). The Texas Education Agency is ultimately responsible for ensuring compliance with IDEA.

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**7. What can parents/guardians do if the school district or open-enrollment charter school is not following state requirements related to dyslexia?**

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Concerns about local school matters, such as the programs selected for use by a school or district, staffing decisions, or services offered to an individual student, should be raised with local district or school administration. Each district and charter school must have a local complaint process that may be used to address the concern.

In some circumstances, an individual may wish to file a complaint with TEA. To file a general complaint with TEA about school district or charter school actions, an individual must allege that a district or charter school has violated a law or rule in the administration of a program required or administered by TEA or with respect to funds awarded or allocated by the agency. An individual wishing to file a complaint with TEA must submit the complaint in writing to the agency.

TEA offers processes for resolving disputes related to special education: individualized education program facilitation, mediation, special education complaints, and due process hearings. Complaints regarding Section 504 should be filed with the U.S. Department of Education Office of Civil Rights (OCR).

See Appendix K: Addressing Concerns about Dyslexia Programs for more detailed information.

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**8. What monies may be used to support the dyslexia program?**

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State foundation funds, state compensatory funds, federal title funds, or local funds may be used. State compensatory and federal title funds are used to supplement the regular classroom instruction. For students whose disability warrants special education services, special education funds may be used to provide direct and indirect services to students who are eligible for special education and related services. However, IDEA has identified that a school district or charter school **may** use up to 15% of its IDEA 2004 B entitlement for early intervention services for any child in kindergarten through grade 12 who is not currently identified as needing special education or related services but who needs additional academic and behavioral supports to succeed in a general education environment. These funds are to be used as supplemental funds and should not be used to supplant local, state, or other federal program dollars.

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**9. Each district is now required to report information regarding the number of students identified with dyslexia. How is this done and which students should be reported?**

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The data is reported through the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS). It should include all students enrolled in the district or school who have been identified as having dyslexia or a related disorder as defined in TEC §38.003.

## Evaluation and Identification

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### **10. Must a school district refer every student suspected of having dyslexia for a full individual and initial evaluation (FIE) under IDEA?**

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No. As the U.S. Department of Education Office of Special Education Programs (OSEP) stated in its January 11, 2018 letter to the Texas Education Agency, “It is certainly permissible to provide services to children with dyslexia under Section 504.” However, IDEA requires a referral for an FIE when a student is identified with dyslexia and a need for special education services. Schools should consider data and information for each individual student and determine the most appropriate next step. This data-based discussion should include a team of knowledgeable persons, including parents, and could result in a referral under IDEA or Section 504 or continuation of tiered intervention. The decision to refer a student for an FIE under IDEA must be made individually for each student.

The team of knowledgeable persons might include:

- Parent(s)
- Teacher(s)
- Person knowledgeable of dyslexia and its evaluation
- Person knowledgeable of special education evaluation
- Others with knowledge of a service option to be considered
- LPAC member if student is EL

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### **11. How will school teams know whether a student should be referred for a dyslexia evaluation through Section 504 or IDEA?**

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Teams must make data informed decisions for every student, on an individual basis, every time. They must consider all available data. Parents/guardians should be given information to help them make informed decisions regarding evaluation and potential services for their children. If, based on the data it has reviewed, the team suspects that a disability exists and that special education services are necessary, the team must refer the student for an evaluation under IDEA. If the team does not have a reason to suspect that the student needs specially designed instruction, but suspects that the student has dyslexia, then that student must be referred for a Section 504 evaluation.

Examples of data to discuss that can help a team make decisions include:

- Comparison with grade level peers and expectations
- Universal screening and benchmarking data
- Progress monitoring intervention data
- Reading data in comparison with learning and achievement in other academic areas
- Parent and teacher information and observation

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### **12. Do all students who are served under Section 504 in standard protocol dyslexia instruction need to be referred for a full individual and initial evaluation (FIE) under IDEA?**

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No. As the U.S. Department of Education Office of Special Education Programs (OSEP) stated in its January 11, 2018 letter to the Texas Education Agency, “It is certainly permissible to provide services to children with dyslexia under Section 504.” However, school districts and charter schools need to review the progress and individual data for students with dyslexia receiving services under Section 504. All students receiving interventions should be subject to ongoing progress monitoring and data-based decision making.

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**13. When should a student who is experiencing reading difficulties be considered for placement in an instructional program for dyslexia and related disorders?**

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See Chapter III of this handbook for information related to procedures that are required by state and federal law prior to a formal evaluation of a student experiencing reading difficulties. If a student is not progressing in the general reading program or tiered interventions and other causes have been eliminated, the student should be recommended for evaluation.

Progression through tiered intervention is not required in order to begin the identification of dyslexia. The use of tiered intervention may be part of the identification and data collection process but is not required and may not delay or deny an evaluation for dyslexia, especially when parent or teacher observations reveal the common characteristics of dyslexia.

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**14. Should all students be routinely reviewed or screened for dyslexia?**

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Data related to the reading achievement and progress of all students should be continuously monitored and reviewed. A student who demonstrates poor performance in reading and spelling that is unexpected for the student's age, grade or other abilities and who exhibits the characteristics of dyslexia shall be tested for dyslexia or a related disorder as defined in TEC §38.003. TEC §28.006 requires school districts or open-enrollment charter schools to administer a reading instrument at the kindergarten, first-grade, and second-grade levels and to notify the parent/guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of the reading instrument results, to be at risk for dyslexia or other reading difficulties. School districts and charter schools must also administer a reading instrument to grade 7 students who did not demonstrate proficiency on the grade 6 state reading assessment.

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**15. Can students in kindergarten and first grade be evaluated for dyslexia?**

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Yes. The identification of dyslexia in young students in kindergarten and first grade will often occur through the observation of parents/guardians and educators that, despite active participation in comprehensive reading instruction, a child with sound reasoning and/or language ability shows limited reading progress. Early reading instruments (TEC §28.006) in kindergarten–grade 2 assess the emerging reading skills that are key components to the identification of dyslexia. These skills include phonological awareness, letter knowledge (graphophonemic knowledge), decoding, and word reading. Early reading instruments serve as an important early screening for many reading difficulties, including dyslexia. When a child does not meet the basic standards of these early reading instruments, the pattern of difficulty may indicate risk factors for dyslexia. A child whose skills have not reached the normative standards of these instruments requires intensified reading instruction and possible consideration for assessment for dyslexia. With the decision to assess for dyslexia in a young child (K–1), it is important to note that current standardized test instruments available to school districts are not particularly sensitive to the skill variations for these students. The identification will require data gathering that is not limited to standardized instruments and that includes information from these early reading instruments and classroom performance patterns.



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**16. Does the student have to be in a certain grade level before dyslexia evaluation can occur?**

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No. There is no grade-level requirement for evaluation; students must be assessed for dyslexia and related disorders at appropriate times (TEC §38.003(a)). The appropriate time depends upon multiple factors including the student's reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teacher's input; and input from the parents/guardians. To the extent these factors result in the suspicion of a disability and possibly a corresponding need for special education services, the student must be referred in accord with the relevant body of federal law (Section 504 or IDEA).

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**17. May a parent/guardian request that a student be evaluated for dyslexia?**

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Yes. A parent/guardian may request to have his/her child evaluated for dyslexia and related disorders by staff at the school district or open-enrollment charter school. The parent/guardian may request an evaluation through Section 504 or IDEA. If the school district has data to support refusal of the parent/guardian request, the procedural protections of IDEA and/or Section 504 must be followed. Parents or guardians must be given notice of their rights under Section 504. For a student who is being denied evaluation under special education, IDEA procedures must be followed, including providing the parent/guardian with prior written notice. See Appendix D: IDEA/Section 504 Side-by-Side chart for additional information.

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**18. Can the parent/guardian provide an assessment from a private evaluator or source?**

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Yes. A parent/guardian may choose to have his/her child assessed by a private evaluator or other source. To be valid, this assessment must comply with the requirements set forth in the guidelines in Chapter III: Procedures for the Evaluation and Identification of Students with Dyslexia of this handbook.

While an outside assessment may be provided to the Section 504 or ARD committee and must be considered, it does not automatically create eligibility. Instead, the committee determines eligibility based on a review "of data from a variety of sources."

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**19. If a parent disagrees with an IDEA evaluation, can the parent seek and provide an assessment from a private evaluator or source?**

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Yes. A parent who disagrees with the evaluation obtained by the school district has the right to an independent evaluation at public expense unless the district initiates an impartial hearing and the district's evaluation is found to be appropriate (34 C.F.R. §300.502).

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**20. Must a student fail a class or subject before being recommended for evaluation for dyslexia?**

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No. A student need not fail a class or subject or fail the state-required assessment in order to be referred for a dyslexia evaluation. According to TEC §38.003, students should be evaluated for dyslexia at appropriate times. The appropriate time depends upon multiple factors, including the student's reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teacher's input; and input from the parents/guardians. To the extent these factors give rise to the suspicion of a disability and possibly a corresponding need for special education services, the student must be referred in accord with the relevant body of federal law (Section 504 or IDEA).

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**21. Can a student be referred for an evaluation for dyslexia even if he/she has passed a test required by the statewide assessment program?**

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Yes. Results from a state test required by the statewide assessment program are only one source of data to be gathered and considered for possible recommendation for dyslexia evaluation. Other information must also be considered, such as teacher information, report card grades, parent information, history of reading difficulties, informal observations of the student's abilities, response to scientifically based reading instruction, etc.

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**22. When a student does not attend the local school district, what procedures are followed for identification of dyslexia?**

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State law related to dyslexia, TEC §38.003, indicates that the law pertains to students enrolled in public schools. However, federal laws still apply to students with disabilities enrolled in private schools.

Under IDEA, if a student attends private school or is home-schooled and both a disability and the need for special education services are suspected, the student must be referred for an evaluation under the Child Find provisions of IDEA. The school district where the private school is located is responsible for conducting child find for parentally-placed private school children.

In addition, IDEA requires school districts to provide these children with an opportunity for equitable participation in special education services through the development of a service plan. For more information on this topic, please see *Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools*, OSERS (revised April 2011).

A private school's duty to comply with Section 504, on the other hand, depends on whether it receives federal funds. If a private school receives federal funds and provides special education services, it must operate its programs in a manner that complies with the Section 504 regulations governing evaluations, placements, and procedural safeguards (34 C.F.R. §104.39 (c)).

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**23. To whom should the student be referred if there is a problem with speech or language development?**

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Special education referral procedures should be followed. For a student determined eligible for services under IDEA, a certified speech-language pathologist typically provides services for students with identified language or speech problems in accordance with the decisions of the admission, review, and dismissal (ARD) committee.

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**24. Should parents/guardians be notified if a school district or open-enrollment charter school plans to evaluate a student for dyslexia or a related disorder?**

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Yes. Notice of the recommendation to assess the student for dyslexia must be given to the student's parents/guardians prior to any individualized assessment. Parental consent for individualized assessment is necessary before the assessment process begins. The request for consent must be provided in the native language of the parents/guardians or other mode of communication used by the parents/guardians, unless it is clearly not feasible to do so.

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**25. Is there one test that can be used to determine that a student has dyslexia and a related disorder?**

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No. School districts and open-enrollment charter schools should use multiple data sources, including formal and informal measures (e.g., day-to-day anecdotal information) that are appropriate for determining whether a student has dyslexia and/or a related disorder. Reading assessments, as appropriate for the reading development of the student, should include the following:

**Academic Skills**

- Letter knowledge (name and associated sound)
- Reading words in isolation
- Decoding unfamiliar words accurately
- Reading fluency (rate, accuracy and prosody are assessed)
- Reading comprehension
- Spelling

**Cognitive Processes**

- Phonological/phonemic awareness
- Rapid naming of symbols or objects

**Possible Additional Areas That MAY Be Assessed**

- Vocabulary
- Listening comprehension
- Verbal expression
- Written expression
- Handwriting
- Memory for letter or symbol sequences (orthographic processing)
- Mathematical calculations/reasoning
- Phonological memory
- Verbal working memory
- Processing speed

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**26. Why is it important to assess rate, accuracy, and prosody for reading fluency when conducting a dyslexia evaluation?**

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The evaluator/diagnostician considers rate, accuracy, and prosody along with other factors, when assessing for a pattern of evidence for dyslexia. A test of oral-reading fluency must include the various components of reading fluency. A student may read words in a passage accurately, but very slowly, or a student may read the passage quickly with many errors. Therefore, measures of rate, accuracy, and prosody allow the examiner to observe and analyze a student's errors and miscues for diagnosis as well as inform instructional planning.

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**27. What kinds of data and how much data are required for an evaluation? Are there any differences in IDEA and Section 504 requirements?**

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In conducting an evaluation under IDEA, the district or charter school must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information including information provided by the parent. Evaluation must assess all areas related to the child's suspected disability and be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified (see 34 C.F.R. §300.304; see also 34 C.F.R. §§300.301-300.311).

Under Section 504, an evaluation must draw upon information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical conditions, social or cultural background and adaptive behaviors. The Section 504 committee decides how much data is required to evaluate the student. Information obtained from all sources is to be documented and carefully considered (34 C.F.R. §104.35(c)(1) & (2)).

See “Procedures for Evaluation – 1. Data Gathering” in Chapter III for additional detailed information.

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**28. Are there special forms to record assessment results and data collection?**

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Although there is no uniform or required format for this record keeping, it is important that school districts and charter schools keep this information **in writing** to ensure that the school district or charter school meets the needs of its students. This record keeping protects the rights of students and their parents/guardians and provides documentation should an investigation result from a formal complaint.

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**29. Can a student suspected of having dyslexia be referred for an evaluation under IDEA?**

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Yes. IDEA regulations related to evaluation (34 C.F.R. §300.304(c)(4)) indicate that a student should be evaluated in all areas related to the suspected disability. Dyslexia has been included as a condition within the category of specific learning disability since 1975 when Congress passed the Education for All Handicapped Children Act.

IDEA regulations related to specific learning disability (SLD) (34 C.F.R. §300.8(c)(10)(i)) define SLD as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, **dyslexia**, and development aphasia. IDEA regulations (34 C.F.R. §300.309(a)(1)) specifically designate the following areas for a SLD: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skill, reading comprehension, mathematics calculation, and/or mathematics problem solving.

A student with dyslexia may be referred for a special education evaluation and possible identification as a child with a disability under IDEA if it suspected that the student has dyslexia and a need for specially designed instruction. Additionally, there is nothing in IDEA that would prohibit the use of the terms dyslexia [and dyscalculia, and dysgraphia] in IDEA evaluation, eligibility determinations, or IEP documents. See Office of Special Education and Rehabilitation Services (OSERS) Dear Colleague Letter dated October 23, 2015, <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>.

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**30. Who administers a dyslexia evaluation to a student who is already receiving special education services?**

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*The Dyslexia Handbook* contains two references related to who is qualified to evaluate for dyslexia.

1. 19 Texas Administrative Code, §74.28 indicates that assessment should only be done by individuals/professionals who are trained to assess students for dyslexia and related disorders.
2. Section 504 and IDEA require that tests, assessments, and other evaluation materials be administered by trained personnel and conform to the instructions provided by the producer of the evaluation materials.

A school district or open-enrollment charter school can determine in its policies and procedures who will conduct the dyslexia evaluation. In some cases, it may be the dyslexia teacher; in other cases, it may be an educational diagnostician or a licensed specialist in school psychology (LSSP).

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**31. When should further evaluation through special education be considered?**

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- If a student exhibits evidence of difficulties with academic skills and a review of relevant data results in suspicion of a disability along with the need for special education services, the student must be referred for an evaluation under IDEA.
- If a student has been identified under Section 504 and has been receiving standard protocol dyslexia instruction, but is not making sufficient progress, the student should be referred for an evaluation under IDEA.
- If a parent makes a written request for an evaluation under IDEA, relevant data should be reviewed by persons with knowledge of the student (this may include parents). If based on the data the school suspects a disability and the need for special education services, the student must be referred for an evaluation under IDEA. If, however, the school does not suspect a disability and/or the need for special education, the school must provide the parent with procedural safeguards and prior written notice as set forth in 34 C.F.R. §§300.503, 300.50.
- If a student attends private school or is home-schooled, and both a learning disability and the need for special education services is suspected, the student must be referred for an evaluation under the Child Find provisions of IDEA.

Note: While the Child Find provisions of IDEA apply to all students whether they are enrolled in public or private school or home-schooled, Texas law governing the screening and treatment of dyslexia and related disorders only applies to students enrolled in public schools (TEC §38.003). IDEA, on the other hand, requires school districts to provide children attending private school and home-schooled children with an opportunity for equitable participation in special education services through the development of a service plan. For more information on this topic, see *Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools*, OSERS (revised April 2011).

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**32. Who ultimately identifies the student as a student with dyslexia and makes the eligibility decision?**

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Identification and placement decisions for dyslexia must be made by a committee of knowledgeable persons formed at the district, charter school, or campus level. Under federal law, the committee must be knowledgeable of the child, the meaning of the evaluation data, and the placement options. For dyslexia support eligibility decisions, the committee of knowledgeable persons should also include knowledge of the student being evaluated; the reading process; dyslexia and related disorders; dyslexia instruction; district, charter school, state, and federal guidelines for evaluation; the instruments that were used; and the meaning of the collected data. If the student is an English learner, the committee should also include a member of the Language Proficiency Assessment Committee (LPAC) knowledgeable in second language acquisition.

A student's identification of dyslexia may be made under the Individuals with Disabilities Education Act (IDEA) or under Section 504. Under IDEA, eligibility decisions are made by the student's admission, review, and dismissal (ARD) committee. When following Section 504 procedures, the campus Section 504 committee has decision-making authority. IDEA requires parent participation in the process. While not required under Section 504, it is suggested that the parents/guardians of the student be a part of the identification and placement process.

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**33. What factors must the ARD or Section 504 committee consider before providing a student dyslexia services?**

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The IDEA evaluation requirements for eligibility in 34 C.F.R. §300.309(a)(1) specifically designate the following areas for a learning disability in reading: basic reading skills (dyslexia), reading fluency skills, and/or reading comprehension.

If the student with dyslexia is found eligible for special education, the student's individualized education program (IEP) must include appropriate reading instruction. Appropriate reading instruction includes the components and delivery of dyslexia instruction listed in Chapter IV: Critical, Evidence-based Components of Dyslexia Instruction.

Based on the data, if the Section 504 committee determines that weaknesses are indicated in reading and spelling, the committee, based on the student's pattern of performance over time, test profile, and response to instruction, will determine the intervention plan. Refinement of that plan will occur as the student's response to instruction is observed. If the student with dyslexia is found eligible for Section 504, the student's Section 504 Plan must include appropriate reading instruction. Appropriate reading instruction includes the components and delivery of dyslexia instruction listed in Chapter IV: Critical, Evidence-based Components of Dyslexia Instruction.

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**34. Must an intelligence test be administered in the identification process for dyslexia?**

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No. The most current definition of dyslexia from the International Dyslexia Association (IDA) indicates that the difficulties the student exhibits in reading should be unexpected in relation to the student's other cognitive abilities and the provision of effective classroom instruction. Examples of other cognitive abilities that could be age-appropriate in relation to unexpected reading difficulties might include the

student's oral language skills, problem-solving and reasoning skills, ability to learn in the absence of print, or strong math skills in comparison to reading skills.

IDEA requires school districts and charter schools to use a variety of assessment tools and strategies to gather relevant, functional, developmental and academic information including information provided by the parent. Evaluation must assess all areas related to the child's suspected disability.

Section 504 requires the evaluation to draw upon information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical conditions, social or cultural background and adaptive behaviors.

The following questions are important to the data-gathering process prior to or during assessment.

- Was the student exposed to research-based reading instruction in the classroom?
- Was the student identified as at risk for dyslexia (Texas Education Code (TEC) §28.006, TEC §38.003)?
- If so, was the student provided with RTI?
- Is there documentation of the student's progress?

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**35. Is there a specific process for the identification and provision of instruction for students with dyslexia?**

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TEC §38.003(a) mandates the screening or testing of students for dyslexia, and 19 TAC §74.28(b) requires that procedures for identifying a student with dyslexia or a related disorder and providing appropriate services to the student are implemented in the district. School districts and charter schools should ensure that district procedures for dyslexia identification and services align with **all** federal and state laws and rules. See Appendix J: Pathways for the Identification and Provision of Instruction for Students with Dyslexia for additional information.

If both a disability and the need for special education services are suspected by a team of knowledgeable persons after a review of relevant data, a student (including a student who attends private school or is home-schooled) must be referred for an evaluation under the Child Find provisions of IDEA. IDEA requires written notice in the parent's native language or other mode of communication (unless clearly not feasible) prior to the initiation, change or refusal to change the identification, evaluation or educational placement of a child or the provision of FAPE. Parents must be provided a copy of procedural safeguards (when appropriate) and give consent for the evaluation as required by IDEA.

If the team suspects a student of having dyslexia, but not the need for special education services, the student should be referred for an evaluation under Section 504. Section 504 requires the school district or charter school to establish and implement certain procedural safeguards, including notice, an opportunity to examine relevant records, an impartial hearing and review procedures (34 C.F.R. §104.36). Although Section 504 regulations do not specifically require written notice of an action to identify, evaluate, or place a child who may be disabled under Section 504, such notice should be provided in writing. Notification is also required before any *"significant change in placement."*

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**36. If a student is already receiving special education services for one particular area of need (e.g., speech), does the ARD committee need to convene to recommend that the student be evaluated for dyslexia?**

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Yes. For any student receiving special education services, including a student receiving speech services, special education procedures must be followed. The ARD committee and other qualified professionals, as appropriate, must review existing evaluation data on the student and, on the basis of that review and input from the student's parents/guardians, identify what additional data, if any, are needed to make an informed decision regarding the identification of dyslexia. If further evaluation is recommended, the parent or guardian must receive prior written notice of evaluation and procedural safeguards (when appropriate) and give consent for the evaluation according to the requirements by IDEA. A timeline for completion of the dyslexia evaluation should be determined by the ARD committee.

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**37. If a student is currently receiving special education services and is identified as needing additional services for dyslexia, does the ARD committee need to document in the ARD report the dyslexia identification process and the instruction specific to dyslexia?**

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- The ARD committee should document on the IEP that the student has been identified with dyslexia or that the student has a reading disability that exhibits characteristics consistent with dyslexia. Since there are instructional implications as well as potential accommodations on the state assessment program for students who have been identified with dyslexia, the dyslexia identification should be noted in the ARD report.
- For students with dyslexia who qualify for special education in the area of reading, the ARD committee must include appropriate specialized reading instruction on the student's IEP. Appropriate reading instruction includes the descriptors found in Chapter IV.

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**38. May the same diagnostic data that was gathered for the IDEA identification process be used to identify a student with dyslexia?**

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The same diagnostic data gathered for the IDEA identification process may be used as long as the data includes assessment information for the domains listed in *The Dyslexia Handbook* as part of the identification of dyslexia.

The determination of dyslexia is made by a multidisciplinary team composed of members who are knowledgeable about dyslexia and the reading process as indicated in Chapter III. For purposes of a student who is currently receiving special education services, the ARD committee serves as the multidisciplinary team described above and should include members with the additional knowledge of dyslexia, dyslexia evaluation, and interventions required by Chapters III and IV.

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**39. Who can evaluate a student for dyslexia?**

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Texas Administrative Code §74.28 indicates that evaluation should be done by professionals who are trained to evaluate students for dyslexia and related disorders.



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**40. What additional training does an educational diagnostician or LSSP need to have in order to evaluate a student for dyslexia?**

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While the educational diagnostician or LSSP possesses the underlying knowledge on how to administer and interpret formal evaluations, additional training may be needed to better understand the characteristics of dyslexia, increase awareness of the domains to evaluate for dyslexia, and identify the strengths and weaknesses typically exhibited when a student has dyslexia.

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**41. According to state law, should a student be retested to determine accommodations every three years?**

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Under state law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the school district or open-enrollment charter school reevaluates the information obtained from previous testing of the student (TEC §38.003(b-1)).

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**42. When must a student be reevaluated to determine his or her educational or related services needs under IDEA?**

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Under IDEA, reevaluation may not occur more than once a year, unless the parent and the school district or charter school agree otherwise; and must occur at least once every three years, unless the parent and the school district or charter school agree that reevaluation is unnecessary. Informed parental consent is required for reevaluations (34 C.F.R. §§300.303 - 300.311).

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**43. How does a student receive additional accommodations without being reassessed for dyslexia?**

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As students progress through their academic careers, grade and course demands change and a student's need for or use of specific accommodations may also change. Accommodations already in use must be evaluated regularly to determine effectiveness and to help plan for accommodations the students will need in any given year. Therefore, documentation of effective accommodation use is important.

This information is necessary to support decisions made by the appropriate committee (Section 504 or ARD), and accommodations are added to the appropriate committee (Section 504 or ARD) documentation.

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**44. Once a student is no longer receiving dyslexia intervention, support, or services through Section 504, can supports and services be re-established at a later date?**

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Yes. Section 504 eligibility and the associated protections remain in place for an identified student. Decisions about supports and services are based on individual needs of a student and should be supported by data.

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**45. Is the district or open-enrollment charter school responsible for conducting evaluations or reevaluations required by colleges and universities for students with dyslexia to receive accommodations?**

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No. The school district's or charter school's duty to evaluate only applies for purposes of determining eligibility and services in the school's programs and activities during the period in which the student is eligible. According to the OCR, neither the high school nor the postsecondary school is required to conduct or pay for a new evaluation to document a student's disability and need for accommodations. Consequently, the responsibility will fall to the student. See Appendix H: Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities for more detailed information. All IDEA rights conclude upon issuance of a regular high school diploma. A student exits special education upon graduation from high school. However, if a student has an up-to-date evaluation prior to leaving high school, the evaluation may help identify services that have been effective for the student when a postsecondary institution is determining the need for academic adjustments.

TEC §51.9701 states that "unless otherwise provided by law, an institution of higher education, as defined by §61.003, may not reassess a student determined to have dyslexia for the purpose of assessing the student's need for accommodations until the institution of higher education reevaluates the information obtained from previous assessments of the student."

## **Instruction**

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**46. Must each campus have a dyslexia program?**

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In accordance with 19 TAC §74.28(i), each school must provide each student identified with dyslexia access at his/her campus to the services of a teacher trained in dyslexia and related disorders. The school district may, with the approval of each student's parents/guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his/her campus.

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**47. What must be in a curriculum used by the specialist for teaching students with dyslexia, as required by Texas state law?**

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A school district or open-enrollment charter school must purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the following sections of Chapter IV of this handbook: Critical, Evidence-Based Components of Dyslexia Instruction and Delivery of Dyslexia Instruction (19 TAC §74.28(e)). In addition, as with a purchased reading program, a locally-developed dyslexia program must be evidence based.

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**48. Must each campus offer standard protocol dyslexia instruction for students identified as having dyslexia at each grade level?**

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Yes. All students identified with dyslexia must receive instruction that is appropriate for their literacy needs. The instruction must match the descriptors (19 TAC §74.28(e)) in this handbook and contain

reading, writing, and spelling components as appropriate for the student. This handbook does not specify or endorse a specific program.

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**49. What does Texas require in terms of scheduling standard protocol dyslexia instruction?**

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Scheduling of standard protocol dyslexia instruction is a local district decision. School districts and charter schools should consider the impact of standard protocol dyslexia instruction occurring when required core curriculum is being provided. While scheduling can be difficult, school districts and charter schools should maintain recommended program intensity. The Section 504 or ARD committee, as appropriate, must participate in scheduling decisions.

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**50. Is instruction as described in *The Dyslexia Handbook* automatically considered “specially designed instruction” or “special education” as it is defined in IDEA?**

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No. Required dyslexia instruction as described in the *Dyslexia Handbook* is not in and of itself considered “special education” or “specially designed instruction” in the context of IDEA.

In the *Dyslexia Handbook*, Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction describes the standard protocol dyslexia instruction that must be in place to serve students identified with dyslexia and the requirement for highly structured and systematic delivery provided by trained staff who implement dyslexia services with fidelity.

If it is suspected that a student needs adapted content, methodology or delivery of instruction to address the student’s unique needs that result from his or her disability, the student must be referred for a full and individual initial evaluation (FIE) to determine whether the student qualifies for special education. If the student’s ARD committee determines that the student qualifies for special education, the ARD committee develops an individualized education program (IEP). For a student with dyslexia who qualifies for special education and whose ARD committee has determined participation in dyslexia services as part of the IEP, the reading instruction must match, as appropriate in light of the student’s unique needs, the critical evidence-based components of dyslexia instruction described in Chapter IV. In this case, instruction provided as described in the *Dyslexia Handbook* and included in the IEP may be considered “specially designed instruction” or “special education.” Thus, whether the content, methodology, and/or delivery of the dyslexia instruction must be adapted to meet the student's unique needs determines whether the instruction is specially designed, not where the instruction is delivered or the time of the day it is provided.

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**51. May a dyslexia program be delivered in a manner that is different from the way it was designed?**

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No. A dyslexia program must be delivered in accordance with the way the program was designed to be delivered. Therefore, when a district or charter school has purchased a program, the amount of time for instruction/intervention reflected in the author’s/publisher’s program mandates the amount of time required to deliver the instruction (e.g., 45 minutes, 5 times per week).

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**52. How is the rate of progress for intervention determined?**

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The data collected from progress-monitoring assessments will inform how well a student is responding or not responding to the standard protocol dyslexia instruction (program). Research has provided general expectations for the rate of progress for students with reading difficulties. “Rapid gains are made within the first 12 hours of instruction; after that, progress continues, but the pace can seem very slow to students, parents, and teachers. Many factors contribute to the rate of progress for students, including intervention fidelity, duration of the intervention, determination, motivation of the student, and parent support” (Moats and Dakin, 2008).

There are many reasons why a student might not respond to instruction. If a student does not respond to the standard protocol dyslexia instruction, the following questions should be considered:

- Does the intervention need to be adjusted or changed?
- If the student is served through Section 504, is an FIE through IDEA warranted?
- If the student is already receiving special education services, does the IEP and/or intervention need to be revised?
- Do comorbid issues exist that need to be addressed?

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**53. Who provides dyslexia instruction to a student receiving special education services?**

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Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction indicates that teachers who provide instruction for students with dyslexia must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods, and a variety of writing and spelling components (TEC §74.28(e)). Students receiving special education are eligible to receive dyslexia instruction from any teacher who meets these requirements and is able to provide for the student’s needs as determined by the ARD committee.

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**54. What considerations need to be given to least restrictive environment (LRE) when determining dyslexia services for a student who is in special education (e.g., a special education dyslexia program offered in a resource class vs. a dyslexia program offered outside the special education class)?**

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IDEA requires that students with disabilities be educated with peers who are nondisabled to the maximum extent appropriate, and special classes, separate schooling, or other removal of students with disabilities from the general educational environment may occur only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

For any student receiving special education services, including a student identified with dyslexia, the placement decision is made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, which may be the ARD committee. This group has the sole responsibility for determining the placement and it must be made in conformity with the LRE provisions of IDEA. The child’s placement is reviewed at least annually and is based on the child’s IEP. Parents can challenge the placement decision through one of the dispute resolution mechanisms offered by IDEA if they do not agree with it.

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**55. Do dyslexia services for students receiving special education take place in the general education setting or in a special education setting?**

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It depends. The school district is required to offer a continuum of alternative placements to meet the needs of students with disabilities who receive special education and related services. The continuum includes instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. The instructional arrangement/setting must be based on the individual needs and IEP of eligible students receiving special education services. Thus, some students will receive their dyslexia services in the general education classroom (mainstream), while others will receive their services in a special setting such as a resource room.

Regardless of the setting, qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student, and/or the student's regular classroom teacher(s).

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**56. How long should a student remain in standard protocol dyslexia instruction designed for students with dyslexia and related disorders?**

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The school district or charter school should establish data-based criteria for exit from standard protocol dyslexia instruction. Decisions should be individualized according to the needs of each student and comply with Section 504 or IDEA regulations, as applicable. Even after exit from a standard protocol dyslexia instruction, the student may continue to receive support. The student may require continuing accommodations in the general program in order to be successful. Student progress should be monitored routinely to be sure that the student maintains successful performance.

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**57. How is instruction for dyslexia different from other reading instruction?**

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*The Dyslexia Handbook* lists and describes the components of instruction that must be included in the program for students identified with dyslexia. See Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction for additional information.

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**58. May a computer program be used as the primary method of delivery for a dyslexia instructional program?**

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No. Computer instruction to teach reading is not supported by scientifically-based reading research. The National Reading Panel (2000), in its review of the research related to computer technology and reading instruction, indicated that it is extremely difficult to make specific instructional conclusions based on the small sample of research available and that there are many questions about computerized reading instruction that still need to be addressed. Additionally, in a position statement released in 2009, the International Dyslexia Association (IDA) stated, "Technology-based instruction should not be used as a substitute for a relationship with a knowledgeable, trained teacher or educational therapist. Technological innovations, however, may be extremely helpful in providing practice and reinforcement, access to information, and alternative routes of communication."

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**59. Should a student’s dyslexia diagnosis be a consideration when making decisions about accelerated instruction, promotion, and/or retention?**

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Yes. In measuring the academic achievement or proficiency of a student who has dyslexia, the student’s potential for achievement or proficiency in the area must be considered. When making determinations about promotion, the Section 504 or ARD committee, as appropriate, shall consider the recommendation of the student’s teacher, the student’s grade in each subject or course, the student’s score on a state assessment instrument, and any other necessary academic information, as determined by the district (TEC §28.021(b)-(c)).

## **Teachers of Students with Dyslexia**

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**60. What certification should teachers who instruct students with dyslexia and related disorders have?**

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IDEA requires that the districts and charter schools ensure that all personnel who provide services to students with disabilities are appropriately and adequately prepared. Texas does not have a specific certification for teachers providing intervention to students identified with dyslexia. School districts and open-enrollment charter schools must consider the needs of students and the qualification of teachers. It is important that teachers have appropriate training in dyslexia and the relevant instructional components as outlined in Chapter IV. Refer also to Figure 4.1 Minimum Training Requirements for Educators Providing Dyslexia Services for additional information.

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**61. To what degree are classroom teachers trained to recognize characteristics of dyslexia, its remediation, and accommodation in regular content classes?**

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Continuing education for “an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia” (TEC §21.054(b)). Such training may be offered in an online course (TEC §21.054(c)). Local policy will determine the number of professional development hours classroom teachers receive regarding the characteristics of dyslexia, its remediation, and accommodations in regular content classes.

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**62. Are there requirements for preservice teachers to have dyslexia training?**

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Yes. As part of teacher certification for preservice teachers who began enrollment in an institution of higher education during the 2011–2012 academic year or later, each candidate must receive, as part of her/his bachelor’s degree, curriculum instruction in detection and education of students with dyslexia (TEC §21.044(b)).

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**63. How does a special education teacher or a teacher delivering instruction for students with dyslexia become trained to serve students with dyslexia?**

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Teachers must be trained to deliver instruction that is described in Chapter IV. Teachers who provide appropriate instruction for students with dyslexia must be trained and be prepared to implement instructional strategies that use individualized, intensive, multisensory, phonetic methods, and a variety of writing and spelling components (19 TAC §74.28(e)). These teachers must also be trained in the professional development activities specific to dyslexia as specified by each district, open-enrollment charter school, and/or campus planning and decision-making committee. Refer also to Figure 4.1 Minimum Training Requirements for Educators Providing Dyslexia Services and the list of training providers in Appendix E.

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**64. What credentials and trainings are required for the dyslexia specialists/teachers who may be serving both special education and Section 504 students and the special education teacher who may be serving special education students identified with dyslexia?**

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A person may not be employed as a teacher by a traditional school district unless the person holds an appropriate certificate or permit outlined in law. Texas Education Code (TEC) §21.044, provides that the State Board for Educator Certification (SBEC) propose rules establishing the training requirements and minimum academic qualifications a person must possess to obtain a certificate. The law establishes that the minimum academic qualifications require a person to possess a bachelor's degree and that the person receive, as part of the training to obtain that certificate, instruction in detection and education of students with dyslexia. Additionally, TEC §21.054(b) and 19 Texas Administrative Code (TAC) §232.11 mandate continuing education requirements for educators who teach students with dyslexia.

Furthermore, 19 TAC §74.28(e) requires teachers who screen and treat students with dyslexia to be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in this *Dyslexia Handbook*. Each school must provide each identified student access at his or her campus to instructional programs that meet the requirements in 19 TAC §74.28(e) and to the services of a teacher trained in dyslexia and related disorders.

For a student determined to have a disability under IDEA, qualified special education personnel must be involved in the implementation of the student's individual education program (IEP) through the provision of direct, indirect, and/or support services to the student and/or the student's regular classroom teacher(s) for any educational service or program implemented for that student in accordance with his or her IEP.

## **Supporting English Learners with Dyslexia**

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**65. How many years does a student need to receive bilingual/ESL instruction before assessment for dyslexia can be considered?**

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There is no fixed amount of time that an English learner (EL) must receive bilingual/ESL instruction before assessment for dyslexia is considered. To set a specific amount of time might lead to a critical delay of services for eligible students who are at risk.

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**66. What determines the language of instruction for dyslexia services related to an EL?**

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To determine the language of instruction of dyslexia services for an EL, the committee of knowledgeable persons (Section 504 or ARD) should include a member of the LPAC and should consider the following two issues:

1. What language allows the student to adequately access the dyslexia services?
2. What is the student's current language of classroom instruction?

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**Accommodations and Technology Integration for Students with Dyslexia**

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**67. Are there accommodations exclusively for students with dyslexia specific to classroom instruction and testing?**

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Accommodations for students with disabilities are intended to provide students effective and equitable access to grade-level or course curriculum and assessments. It is important to remember that accommodations that are effective in classroom instruction may not be appropriate or allowed for use on a state assessment.

For more information, see the Instructional Accommodations for Students with Disabilities section in Chapter IV, Accommodations for Students with Disabilities available at <https://dyslexiaida.org/accommodations-for-students-with-dyslexia/>, and Accommodation Resources at <https://tea.texas.gov/accommodations/>.

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**68. What data will support the need for instructional and test-related accommodations for a student identified as having dyslexia?**

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Educators should collect and analyze data pertaining to the need for instructional and test-related accommodations for a student identified as having dyslexia that will support educational decisions made by the Section 504 or ARD committee. Data should include multiple sources, formal and informal, provided by parents/guardians, teachers, and/or others knowledgeable of the student. By analyzing data, the committee of knowledgeable persons (Section 504 or ARD) can determine if the accommodation is appropriate or unnecessary. Over time, data can confirm the continuation or justify the removal of any accommodation(s).

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**69. Can technology benefit students with dyslexia?**

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Yes. The research is definitive regarding technology and instruction for students with dyslexia. When students have access to technology, their overall performance improves. Technology tools allow students with dyslexia to be equal participants in school-based learning experiences (TEC §38.0031). Technology is not to take the place of direct and explicit instruction, but to provide access to grade level and course curriculum. The online tool *Technology Integration for Students with Dyslexia* available at <https://www.region10.org/programs/dyslexia/techplan/> may provide assistance in identifying appropriate technologies.



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**70. Do the Section 504 regulations contain references addressing technology?**

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No. While there are no Section 504 regulations concerning technology, students may need access to existing technology; therefore, the Free Appropriate Public Education (FAPE) requirement determines what technology (if any) is required. Nondiscrimination rules apply to instructional technology.

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**71. Do IDEA regulations contain references addressing technology?**

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School districts and charter schools must ensure that assistive technology devices or assistive technology services, or both, are made available to a child with a disability if required as a part of the child's special education, related services, or supplementary aids and services. IDEA permits IDEA funds to be used to improve the use of technology in the classroom by children with disabilities to enhance learning and to support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.

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**72. Is the district required to provide technology devices for Section 504 students identified with dyslexia?**

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No. If the student is able to access the general education curriculum without a specified technology device, and FAPE is provided, a school district or charter school has no obligation to provide the device. However, if a student needs a device to access the curriculum, a school district or charter school is required to provide the device to ensure FAPE.

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**73. Is the district required to provide technology devices for special education students identified with dyslexia?**

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Yes, if an assistive technology (AT) evaluation is conducted that determines AT devices are necessary to provide a student with FAPE.

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**74. Are there specific accommodations for students with dyslexia during state assessments?**

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Certain accommodations used in the classroom would invalidate the content being assessed or compromise the security and integrity of the state assessment. For this reason, not all accommodations suitable for instruction are allowed during the state assessments. The decision to use an accommodation should be made on an individual student basis and take into consideration the needs of the student and whether the student routinely receives the accommodation during classroom instruction and testing. For more information, view the Accommodation Resources page on TEA's website, <https://tea.texas.gov/accommodations/>, and look for specific dyslexia eligibility criteria under each accommodation (e.g., oral administration, extra time (same day)).



## Appendix B: Sources of Laws and Rules for Dyslexia Identification and Instruction

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- Texas Education Code (TEC) §7.028(b)
- Texas Education Code (TEC) §21.044
- Texas Education Code (TEC) §21.054
- Texas Education Code (TEC) §28.006
- Texas Education Code (TEC) §28.021
- Texas Education Code (TEC) §38.003
- Texas Education Code (TEC) §38.0031
- Texas Education Code (TEC) §38.0032
- Texas Education Code (TEC) §42.006(a-1)
- Texas Education Code (TEC) §51.9701
- Texas Occupations Code, Chapter 54
- Texas Occupations Code, Chapter 403
- Texas Administrative Code (TAC) §74.28 (State Board of Education Rule)
- Texas Administrative Code (TAC) §228.30 (State Board for Educator Certification Rule)
- Texas Administrative Code (TAC) §230.23 (State Board for Educator Certification Rule)
- Texas Administrative Code (TAC) §232.11 (State Board for Educator Certification Rule)
- *The Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders*
- Individuals with Disabilities Education Act (IDEA)
- Rehabilitation Act of 1973, Section 504 (§504), as amended in 2008

### **Summary**

#### **School boards MUST ensure the following:**

- Procedures for identifying a student with dyslexia or a related disorder are implemented in the district (TAC §74.28).
- Procedures for providing appropriate instructional services to the student are implemented in the district (TAC §74.28).
- The district or school complies with all applicable requirements of state educational programs (TEC §7.028).

#### **School districts MUST do the following:**

- Administer K–2 early reading instruments (TEC §28.006).
- Administer kindergarten and grade 1 dyslexia screening (TEC §38.003(a))
- Provide early identification, intervention, and support (TEC §28.006).
- Apply results of early assessment instruments to instruction and report to the Commissioner of Education (TEC §28.006).
- Implement SBOE-approved procedures for students with dyslexia and related disorders (Dyslexia Handbook and TAC §74.28).
- Provide training about dyslexia to educators (TAC §74.28(c))(TAC §232.11).
- Ensure that the procedures for identification and instruction are in place (TAC §74.28).

- Notify parents in writing before an assessment or identification procedure is used with an individual student (TAC §74.28).
- Test for dyslexia at appropriate times (TEC §38.003).
- Ensure that assessment for the purposes of accommodations does not occur until after current testing has been reviewed (TEC 38.003(b-1)).
- Meet the requirements of §504 when assessment for dyslexia is recommended (*The Dyslexia Handbook*).
- Provide treatment (instruction) for students with dyslexia (TEC §38.003).
- Purchase or develop programs that include descriptors listed in *The Dyslexia Handbook* (TAC §74.28).
- Inform parents of all services and options available to students eligible under §504 (TAC §74.28).
- Provide students with services of a teacher trained in dyslexia (TAC §74.28).
- Provide a parent education program (TAC §74.28).
- Report through PEIMS information regarding the number of students enrolled in the district or school who are identified as having dyslexia (TEC §42.006(a-1)).

**The following is a checklist of procedures for ensuring compliance with state and federal laws and rules:**

- Notify parents/guardians of proposal to assess student for dyslexia (§504).
- Inform parents/guardians of their rights under §504.
- Obtain parent or guardian permission to assess the student for dyslexia.
- Administer measures using only individuals/professionals who are trained in assessment to evaluate students for dyslexia and related disorders (TAC §74.28).
- Ensure that identification of dyslexia is made by the §504 committee of persons knowledgeable about the reading process, dyslexia and dyslexia instruction, the assessments used, and the meaning of the collected data.
- Provide dyslexia instruction as per TEC §38.003 (instruction is provided regardless of student eligibility for §504).
- Provide ongoing training opportunities for teachers (TEC §21.0054(b)).

**The following is a checklist of written documentation that is recommended to ensure compliance with §504:**

- Documentation that the notice of evaluation has been given to parents/guardians
- Documentation that parents/guardians were given their rights under §504
- Documentation of parent/guardian consent for the evaluation ([Letter to Durheim. 27 IDELR 380 \[OCR 1997\]](#))
- Documentation of the evaluation data
- Documentation of the decisions made by the committee of knowledgeable persons concerning the disability (whether a disability exists) and, if a disability exists, whether the disability substantially limits a major life activity
- Documentation of the placement options and placement decisions

## Appendix C: State Laws and Rules Related to Dyslexia

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### Texas Education Code §7.028(b) (State Law)

#### Limitation on Compliance Monitoring

- (b) The board of trustees of a school district or the governing body of an open-enrollment charter school has primary responsibility for ensuring that the district or school complies with all applicable requirements of state educational programs.

Added by Acts 2003, 78th Leg., ch. 201, § 4, eff. Sept. 1, 2003.  
Renumbered from V.T.C.A., Education Code § 7.027 by Acts 2005,  
79th Leg., ch. 728, § 23.001(9), eff. Sept. 1, 2005.

### Texas Education Code §21.044 (State Law)

#### Educator Preparation

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.
- (c) The instruction under Subsection (b) must:
  - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
    - (A) employed by institutions of higher education; and
    - (B) approved by the board; and
  - (2) include information on:
    - (A) characteristics of dyslexia;
    - (B) identification of dyslexia; and
    - (C) effective, multisensory strategies for teaching students with dyslexia.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.  
Amended by: Acts 2015, 84th Leg., R.S., Ch. [931](#), Sec. 3, eff. September 1, 2015.

### Texas Education Code §21.054 (State Law)

#### Continuing Education

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2005, 79th Leg., Ch. [675](#), Sec. 2, eff. June 17, 2005, Acts 2009, 81st Leg., R.S., Ch. [596](#), Sec. 1, eff. September 1, 2009, Acts 2009, 81st Leg., R.S., Ch. [895](#), Sec. 67(a), eff. June 19, 2009, Acts 2011, 82nd Leg., R.S., Ch. [635](#), Sec. 2, eff. June 17, 2011.

## Texas Education Code §28.006 (State Law)

### Reading Diagnosis

- (a) The commissioner shall develop recommendations for school districts for:
  - (1) administering reading instruments to diagnose student reading development and comprehension;
  - (2) training educators in administering the reading instruments; and
  - (3) applying the results of the reading instruments to the instructional program.
- (b) The commissioner shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. For use in diagnosing the reading development and comprehension of kindergarten students, the commissioner shall include on the commissioner's list at least two multidimensional assessment tools. A multidimensional assessment tool on the commissioner's list must either include a reading instrument and test at least three developmental skills, including literacy, or test at least two developmental skills, other than literacy, and be administered in conjunction with a separate reading instrument that is on a list adopted under this subsection. A multidimensional assessment tool administered as provided by this subsection is considered to be a reading instrument for purposes of this section. A district-level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in addition to the reading instruments on the commissioner's list. Each reading instrument adopted by the commissioner or a district-level committee must be based on scientific research concerning reading skills development and reading comprehension. A list of reading instruments adopted under this subsection must provide for diagnosing the reading development and comprehension of students participating in a program under Subchapter B, Chapter 29.
- (c) Each school district shall administer, at the kindergarten and first- and second-grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).
- (c-1) Each school district shall administer at the beginning of the seventh grade a reading instrument adopted by the commissioner to each student whose performance on the assessment instrument in reading administered under Section 39.023(a) to the student in grade six did not demonstrate reading proficiency, as determined by the commissioner. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).
- (d) The superintendent of each school district shall:
  - (1) report to the commissioner and the board of trustees of the district the results of the reading instruments; and
  - (2) report, in writing, to a student's parent or guardian the student's results on the reading instrument;
  - (3) using the school readiness certification system provided to the school district in accordance with Section 29.161(e), report electronically each student's raw score on the reading instrument to the agency for use in the school readiness certification system.
- (d-1) The agency shall contract with the State Center for Early Childhood Development to receive and use scores under Subsection (d)(3) on behalf of the agency.
- (e) The results of reading instruments administered under this section may not be used for purposes of appraisals and incentives under Chapter 21 or accountability under Chapters 39 and 39A.
- (f) This section may be implemented only if funds are appropriated for administering the reading instruments. Funds, other than local funds, may be used to pay the cost of administering a reading instrument only if the instrument is on the list adopted by the commissioner.
- (g) A school district shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. The admission, review, and dismissal committee of a student who participates in a district's special education

program under Subchapter B, Chapter 29, and who does not perform satisfactorily on a reading instrument under this section shall determine the manner in which the student will participate in an accelerated reading instruction program under this subsection.

- (g-1) A school district shall provide additional reading instruction and intervention to each student in seventh grade assessed under Subsection (c-1), as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument. Training and support for activities required by this subsection shall be provided by regional education service centers and teacher reading academies established under Section 21.4551, and may be provided by other public and private providers.
- (h) The school district shall make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear and easy to understand and is written in English and in the parent or guardian's native language.
- (i) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner may not consider Foundation School Program funds.
- (j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.051(b)(7) and may implement sanctions under Subchapter G, Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.
- (k) The provisions of this section relating to parental notification of a student's results on the reading instrument and to implementation of an accelerated reading instruction program may be implemented only if the commissioner certifies that funds have been appropriated during a school year for administering the accelerated reading instruction program specified under this section.

Added by Acts 1997, 75th Leg., ch. 397, Sec. 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 396, Sec. 2.11, eff. Sept. 1, 1999.

Amended by: Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 3.05, eff. May 31, 2006.

Acts 2007, 80th Leg., R.S., Ch. 1058, Sec. 6, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1340, Sec. 1, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 26, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1314, Sec. 1, eff. June 14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 324, Sec. 21.003(16), eff. September 1, 2017.

## Texas Education Code §28.021 (State Law)

### Student Advancement

- (a) A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level.
- (b) In measuring the academic achievement or proficiency of a student who is dyslexic, the student's potential for achievement or proficiency in the area must be considered.
- (c) In determining promotion under Subsection (a), a school district shall consider:
  - (1) the recommendation of the student's teacher;
  - (2) the student's grade in each subject or course;
  - (3) the student's score on an assessment instrument administered under Section 39.023(a), (b), or (l), to the extent applicable; and
  - (4) any other necessary academic information, as determined by the district.
- (d) By the start of the school year, a district shall make public the requirements for student advancement under this section.
- (e) The commissioner shall provide guidelines to districts based on best practices that a district may use when considering factors for promotion.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 28, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 307 (H.B. [2135](#)), Sec. 1, eff. June 17, 2011.

## **Texas Education Code §38.003 (State Law)**

### **Screening and Treatment for Dyslexia and Related Disorders**

- (a) Students enrolling in public schools in this state shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.
- (b-1) Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.
- (c) The State Board of Education shall adopt any rules and standards necessary to administer this section.
- (d) In this section:
  - (1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.
  - (2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82<sup>nd</sup> Leg., R.S., Ch. [635](#), Sec.3, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. [1044](#), Sec. 5, eff. June 15, 2017.

*The original version of this statute was passed in 1985 through HB 157, Texas Legislature, and 69th Regular Session. Subsection (b-1) was added by the 82nd Texas Legislature in 2011.*

## **Texas Education Code §38.0031 (State Law)**

### **§38.0031 Classroom Technology Plan for Students with Dyslexia**

- (a) The agency shall establish a committee to develop a plan for integrating technology into the classroom to help accommodate students with dyslexia. The plan must:
  - (1) determine the classroom technologies that are useful and practical in assisting public schools in accommodating students with dyslexia, considering budget constraints of school districts; and
  - (2) develop a strategy for providing those effective technologies to students.
- (b) The agency shall provide the plan and information about the availability and benefits of the technologies identified under Subsection (a) (1) to school districts.
- (c) A member of the committee established under Subsection (a) is not entitled to reimbursement for travel expenses incurred by the member under this section unless agency funds are available for that purpose.

Added by Acts 2011, 82<sup>nd</sup> Leg., R.S., Ch. [635](#), Sec. 4, eff. June 17, 2011



## Texas Education Code §38.0032 (State Law)

### Dyslexia Training Opportunities.

- (a) The agency shall annually develop a list of training opportunities regarding dyslexia that satisfy the requirements of Section 21.054(b). The list of training opportunities must include at least one opportunity that is available online.
- (b) A training opportunity included in the list developed under Subsection (a) must:
  - (1) comply with the knowledge and practice standards of an international organization on dyslexia; and
  - (2) enable an educator to:
    - (A) understand and recognize dyslexia; and
    - (B) implement instruction that is systematic, explicit, and evidence-based to meet the educational needs of a student with dyslexia.

Added by Acts 2017, 85th Leg., R.S., Ch. 1044 (H.B. [1886](#)), Sec. 6, eff. June 15, 2017.

## Texas Education Code §42.006(a-1) (State Law)

### §42.006 Public Education Information Management System (PEIMS)

- (a-1) The commissioner by rule shall require each school district and open-enrollment charter school to report through the Public Education Information Management System information regarding the number of students enrolled in the district or school who are identified as having dyslexia. The agency shall maintain the information provided in accordance with this subsection.

Amended by Acts 2013, 83rd Leg., R.S., Ch. [295](#) (H.B.1264, sec. 1, eff. June 14, 2013).

## Texas Education Code §51.9701 (State Law)

### §51.9701 Assessment for Dyslexia

Unless otherwise provided by law, an institution of higher education, as defined by Section 61.003, may not reassess a student determined to have dyslexia for the purpose of assessing the student's need for accommodations until the institution of higher education reevaluates the information obtained from previous assessments of the student.

Added by Acts 2011, 82<sup>nd</sup> Leg., R.S., Ch. [635](#), Sec. 5, eff. June 17, 2011.

## Texas Occupations Code Chapter 54 (State Law)

### Examination On Religious Holy Day; Examination Accommodation 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 as necessary to implement this section, including rules to establish the eligibility criteria and examinee must meet for accommodation under this section.

Added by Acts 2011, 82<sup>nd</sup> Leg., R.S., Ch. 418, Sec. 2, eff. September 1, 2011.

## Texas Occupations Code Chapter 403 (State Law)

### Licensed Dyslexia Practitioners and Licensed Dyslexia Therapists

#### SUBCHAPTER A. GENERAL PROVISIONS

**Sec. 403.001. DEFINITIONS.** In this chapter:

- (1) "Commission" means the Texas Commission of Licensing and Regulation.
- (2) "Department" means the Texas Department of Licensing and Regulation.
- (3) "Executive director" means the executive director of the department.
- (4) "License holder" means a person who holds a license issued under this chapter.
- (5) "Multisensory structured language education" means a program described by the International Multisensory Structured Language Education Council for the treatment of individuals with dyslexia and related disorders that provides instruction in the skills of reading, writing, and spelling:
  - (A) through program content that includes:
    - (i) phonology and phonological awareness;
    - (ii) sound and symbol association;
    - (iii) syllables;
    - (iv) morphology;
    - (v) syntax; and
    - (vi) semantics; and
  - (B) following principles of instruction that include:
    - (i) simultaneous multisensory instruction, including visual-auditory-kinesthetic-tactile instruction;
    - (ii) systematic and cumulative instruction;
    - (iii) explicit instruction;
    - (iv) diagnostic teaching to automaticity; and
    - (v) synthetic and analytic instruction.
- (6) "Qualified instructor" means a person described by Section 403.110.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. [1](#), Sec. 5.318(5), eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.129, eff. September 1, 2015.

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

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

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

#### SUBCHAPTER B. POWERS AND DUTIES

**Sec. 403.051. ADVISORY COMMITTEE.** The department shall appoint an advisory committee to provide advice and recommendations to the department on technical matters relevant to the administration of this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

Amended by Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.130, eff. September 1, 2015.

**Sec. 403.0511. GENERAL POWERS AND DUTIES.** The executive director shall administer and enforce this chapter.

Added by Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.131, eff. September 1, 2015.

**Sec. 403.052. STANDARDS OF ETHICAL PRACTICE.** The commission shall adopt rules that establish standards of ethical practice.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

Amended by Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.132, eff. September 1, 2015.

## **SUBCHAPTER C. LICENSE REQUIREMENTS**

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

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2010.

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

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

**Sec. 403.1025. TERM OF LICENSE.** A license issued under this chapter is valid for two years.

Added by Acts 2015, 84th Leg., R.S., Ch. [1](#), Sec. 5.066, eff. April 2, 2015.

### **Sec. 403.103. LICENSE APPLICATION.**

(a) A license applicant must apply to the department on a form and in the manner prescribed by the executive director.

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

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

Amended by Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.133, eff. September 1, 2015.

### **Sec. 403.104. ELIGIBILITY FOR LICENSED DYSPLEXIA PRACTITIONER LICENSE.**

(a) To be eligible for a licensed dyslexia practitioner license, an applicant must have:

- (1) earned a bachelor's degree from an accredited public or private institution of higher education;
- (2) successfully completed at least 45 hours of course work in multisensory structured language education from a training program that meets the requirements of Section 403.106;
- (3) completed at least 60 hours of supervised clinical experience in multisensory structured language education;
- (4) completed at least five demonstration lessons of the practice of multisensory structured language education, each observed by an instructor from a training program that meets the requirements of Section 403.106 and followed by a conference with and a written report by the instructor; and
- (5) successfully completed a national multisensory structured language education competency examination approved by the department and administered by a national certifying professional organization.

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

- (1) the supervision of a qualified instructor or an instructor from an accredited training program that meets the requirements of Section 403.106; and
- (2) guidelines approved by the department.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

**Sec. 403.105. ELIGIBILITY FOR LICENSED DYSPLEXIA THERAPIST LICENSE.**

- (a) To be eligible for a licensed dyslexia therapist license, an applicant must have:
  - (1) earned at least a master's degree from an accredited public or private institution of higher education;
  - (2) successfully completed at least 200 hours of course work in multisensory structured language education from a training program that meets the requirements of Section 403.106;
  - (3) completed at least 700 hours of supervised clinical experience in multisensory structured language education;
  - (4) completed at least 10 demonstration lessons of the practice of multisensory structured language education, each observed by an instructor from a training program that meets the requirements of Section 403.106 and followed by a conference with and a written report by the instructor; and
  - (5) successfully completed a national multisensory structured language education competency examination approved by the department and administered by a national certifying professional organization.
- (b) Clinical experience required under Subsection (a)(3) must be obtained under:
  - (1) the supervision of a qualified instructor or an instructor from an accredited training program that meets the requirements of Section 403.106; and
  - (2) guidelines approved by the department.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

**Sec. 403.106. REQUIREMENTS FOR TRAINING PROGRAMS.**

- (a) For purposes of determining whether an applicant satisfies the training requirements for a license under this chapter, a multisensory structured language education training program completed by the applicant must:
  - (1) be accredited by a nationally recognized accrediting organization;
  - (2) have in writing defined goals and objectives, areas of authority, and policies and procedures;
  - (3) have the appropriate financial and management resources to operate the training program, including a knowledgeable administrator and standard accounting and reporting procedures;
  - (4) have a physical site, equipment, materials, supplies, and environment suitable for the training program;
  - (5) have a sufficient number of instructional personnel who have completed the requirements for certification in multisensory structured language education;
  - (6) have been reviewed by multisensory structured language education professionals who are not affiliated with the training program;
  - (7) have developed and followed procedures to maintain and improve the quality of training provided by the program;
  - (8) have provided direct instruction in the principles and in each element of multisensory structured language education for a minimum of:

- (A) 200 contact hours of course work for training program participants who seek a licensed dyslexia therapist license; and
  - (B) 45 contact hours of course work for training program participants who seek a licensed dyslexia practitioner license;
- (9) have required training program participants to complete a program of supervised clinical experience in which the participants provided multisensory structured language education to students or adults, either individually or in small groups for a minimum of:
  - (A) 700 hours for training program participants who seek a licensed dyslexia therapist license; and
  - (B) 60 hours for training program participants who seek a licensed dyslexia practitioner license;
- (10) have required training program participants to demonstrate the application of multisensory structured language education principles of instruction by completing demonstration lessons observed by an instructor and followed by a conference with and a written report by the instructor; and
- (11) have provided instruction based on the Texas Education Agency publication "The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (2007)," or a revised version of that publication approved by the department.
- (b) A training program must require a training program participant who seeks a licensed dyslexia practitioner license to have completed at least five demonstration lessons described by Subsection (a)(10) and a participant who seeks a licensed dyslexia therapist license to have completed at least 10 demonstration lessons.
- (c) The department shall determine whether a training program meets the requirements of this section.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

Amended by Acts 2017, 85th Leg., R.S., Ch. [1105](#), Sec. 4.001, eff. September 1, 2017.

#### **Sec. 403.107. EXAMINATION.**

- (a) To obtain a license, an applicant must:
  - (1) pass a written examination approved by the department under Subsection (b); and
  - (2) pay the required fees.
- (b) The department shall:
  - (1) identify and designate a competency examination that is related to multisensory structured language education and that will be administered at least twice each year by a professional organization that issues national certifications; and
  - (2) maintain a record of all examinations for at least two years after the date of examination.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. [1](#), Sec. 5.067, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.134, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.135, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. [1105](#), Sec. 4.002, eff. September 1, 2017.

**Sec. 403.108. WAIVER OF EXAMINATION REQUIREMENT.** The department may waive the examination requirement and issue a license to an applicant who holds an appropriate certificate or other accreditation from a nationally accredited multisensory structured language education organization recognized by the department.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

Amended by Acts 2017, 85th Leg., R.S., Ch. [1105](#), Sec. 4.003, eff. September 1, 2017.

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

- (1) be a licensed dyslexia therapist;
- (2) have at least 1,400 hours of clinical teaching experience in addition to the hours required to obtain a licensed dyslexia therapist license; and
- (3) have completed a two-year course of study dedicated to the administration and supervision of multisensory structured language education programs taught by a nationally accredited training program that meets the requirements of Section 403.106.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

## **SUBCHAPTER D. PRACTICE BY LICENSE HOLDER**

### **Sec. 403.151. PRACTICE SETTING.**

- (a) A licensed dyslexia practitioner may practice only in an educational setting, including a school, learning center, or clinic.
- (b) A licensed dyslexia therapist may practice in a school, learning center, clinic, or private practice setting.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

### **Sec. 403.152. CONTINUING EDUCATION.**

- (a) A license holder's license may not be renewed unless the license holder meets the continuing education requirements established by the commission by rule.
- (b) The commission shall establish the continuing education requirements in consultation with the advisory committee.
- (c) The department shall:
  - (1) provide to a license applicant, with the application form on which the person is to apply for a license, information describing the continuing education requirements; and
  - (2) notify each license holder of any change in the continuing education requirements at least one year before the date the change takes effect.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.136, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. [1105](#), Sec. 4.004, eff. September 1, 2017.

## **SUBCHAPTER E. LICENSE DENIAL; COMPLAINT AND DISCIPLINARY PROCEDURES**

### **Sec. 403.202. PROHIBITED ACTIONS.** A license holder may not:

- (1) obtain a license by means of fraud, misrepresentation, or concealment of a material fact;
- (2) sell, barter, or offer to sell or barter a license; or
- (3) engage in unprofessional conduct that endangers or is likely to endanger the health, welfare, or safety of the public as defined by commission rule.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2010.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. [1](#), Sec. 5.068, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.138, eff. September 1, 2015.

### **Sec. 403.203. GROUNDS FOR DISCIPLINARY ACTION.** If a license holder violates this chapter or a rule or code of ethics adopted by the commission, the commission or executive director shall:

- (1) revoke or suspend the license;
- (2) place on probation the person if the person's license has been suspended;
- (3) reprimand the license holder; or
- (4) refuse to renew the license.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2010.  
Amended by: Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.139, eff. September 1, 2015.

#### **Sec. 403.209. MONITORING OF LICENSE HOLDER.**

- (a) The commission by rule shall develop a system for monitoring a license holder's compliance with the requirements of this chapter.
- (b) Rules adopted under this section must include procedures to:
  - (1) monitor for compliance a license holder who is ordered by the commission or executive director to perform certain acts; and
  - (2) identify and monitor license holders who represent a risk to the public.

Added by Acts 2009, 81st Leg., R.S., Ch. [1255](#), Sec. 1, eff. September 1, 2010.  
Amended by: Acts 2015, 84th Leg., R.S., Ch. [838](#), Sec. 1.142, eff. September 1, 2015.

### **Texas Administrative Code §74.28 (State Board of Education Rule)**

#### **Students with Dyslexia and Related Disorders**

- (a) In order to support and maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal and state law, school districts and open-enrollment charter schools shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.
- (b) The board of trustees of a school district or the governing body of an open-enrollment charter school must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to the student are implemented in the district.
- (c) A school district's or open-enrollment charter school's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," a set of guidelines for school districts and open-enrollment charter schools that may be modified by the SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state.
- (d) Screening as described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.
- (e) A school district or open-enrollment charter school shall purchase a reading program or develop its own evidence-based reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." The professional development activities specified by each open-enrollment charter school and district and/or campus planning and decision making committee shall include these instructional strategies.
- (f) At least five school days before any evaluation or identification procedure is used selectively with an individual student, the school district or open-enrollment charter school must provide written notification to the student's parent or guardian or another person standing in parental relation to the student of the proposed identification or evaluation. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:
  - (1) a reasonable description of the evaluation procedure to be used with the individual student;
  - (2) information related to any instructional intervention or strategy used to assist the student prior to evaluation;
  - (3) an estimated time frame within which the evaluation will be completed; and



- (4) specific contact information for the campus point of contact, relevant Parent Training and Information Projects, and any other appropriate parent resources.
- (g) Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), the school district or open-enrollment charter school must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503, provide all information required under subsection (f) of this section, and provide:
- (1) a copy of the procedural safeguards notice required by 34 CFR, §300.504;
  - (2) an opportunity to give written consent for the evaluation; and
  - (3) a copy of information required under Texas Education Code (TEC), §26.0081.
- (h) Parents/guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by TEC, §26.0081(d), and options under federal law, including IDEA and the Rehabilitation Act, §504.
- (i) Each school or open-enrollment charter school must provide each identified student access at his or her campus to instructional programs required in subsection (e) of this section and to the services of a teacher trained in dyslexia and related disorders. The school district or open-enrollment charter school may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.
- (j) Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district and open-enrollment charter school as outlined in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." School districts and open-enrollment charter schools may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.
- (k) Each school district and open-enrollment charter school shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program must include:
- (1) awareness and characteristics of dyslexia and related disorders;
  - (2) information on testing and diagnosis of dyslexia and related disorders;
  - (3) information on effective strategies for teaching students with dyslexia and related disorders;
  - (4) information on qualifications of those delivering services to students with dyslexia and related disorders;
  - (5) awareness of information on accommodations and modifications, especially those allowed for standardized testing;
  - (6) information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act, §504, and information on the response to intervention process; and
  - (7) contact information for the relevant regional and/or school district or open-enrollment charter school specialists.
- (l) School districts and open-enrollment charter schools shall provide to parents of children suspected to have dyslexia or a related disorder a copy or a link to the electronic version of the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."
- (m) School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section.

Source: The provisions of this §74.28 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective August 8, 2006, 31 TexReg 6212; amended to be effective August 24, 2010, 35 TexReg 7211; amended to be effective August 27, 2018, 43 TexReg 5519.



## **Texas Administrative Code §228.30 (State Board for Educator Certification Rule)**

### **Educator Preparation Curriculum**

(c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:

- (1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics), which include:
  - (A) professional ethical conduct, practices, and performance;
  - (B) ethical conduct toward professional colleagues; and
  - (C) ethical conduct toward students;
- (2) instruction in detection and education of students with dyslexia, as indicated in the Texas Education Code (TEC), §21.044(b);
- (3) instruction regarding mental health, substance abuse, and youth suicide, as indicated in the TEC, §21.044(c-1);
- (4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
- (5) the importance of building strong classroom management skills; and
- (6) the framework in this state for teacher and principal evaluation.

Source: The provisions of this §228.30 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective October 12, 2003, 28 TexReg 8608; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280.

## **Texas Administrative Code §230.23 (State Board for Educator Certification Rule)**

### **Testing Accommodations for Persons with Dyslexia**

The Texas Education Agency (TEA) shall provide examination accommodations for persons with dyslexia.

- (1) For each licensing examination administered, the TEA and its testing vendor shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia as that term is defined in the Texas Education Code, §51.970.
- (2) The TEA and its testing vendor shall provide examination accommodations to an examinee diagnosed with dyslexia, provided acceptable medical or diagnostic documentation has been received and reviewed by the vendor prior to the administration of the examination.

Source: The provisions of this §230.23 adopted to be effective August 12, 2012, 37 TexReg 5753.

## **Texas Administrative Code §232.11 (State Board for Educator Certification Rule)**

### **Number and Content of Required Continuing Professional Education Hours**

(e) The required CPE for educators who teach students with dyslexia must include training regarding new research and practices in educating students with dyslexia. The required training may be satisfied through an online course approved by Texas Education Agency staff.

Source: The provisions of this §232.11 adopted to be effective August 12, 2012, 37 TexReg 5764.



## Appendix D: IDEA/Section 504 Side-by-Side (PreK–12)

There are two federal laws that are important to students with disabilities, including those with dyslexia and related disorders. Section 504 of the Rehabilitation Act is a civil rights law that prohibits discrimination on the basis of disability. In school districts and charter schools, this means that educators cannot serve students with dyslexia and related disorders differently than other students due to having dyslexia or a related disorder. It also means that educators must provide reasonable accommodations to students with dyslexia and related disorders to access instruction and school activities, which includes a free and appropriate public education. The Individuals with Disabilities Education Act (IDEA) is a program that provides funding to school districts and charter schools to ensure that students with disabilities receive special education and related services in the least restrictive environment. The IDEA outlines a prescribed process for evaluation, writing plans (known as individualized education programs or IEPs), and ensuring parental participation. In general, all students with physical, mental, developmental, and emotional disabilities are covered by Section 504, while only those students with disabilities identified as needing special education (i.e., specially designed instruction) qualify under the IDEA.

The chart below is a summary side-by-side of Section 504 and the IDEA. This chart is not an exhaustive summary of all areas addressed by either Section 504 or the IDEA; rather, it highlights areas relevant to students who may have dyslexia and related disorders. Every situation is unique and should be viewed on a case-by-case situation. This chart is for informational purposes only and not intended for detailed legal analysis.

	IDEA – Part B	Section 504 of the Rehabilitation Act
<b>LEGAL CITATION</b>	20 USC 1400 34 CFR Part 300	29 USC 794 34 CFR Part 104
<b>TYPE OF STATUTE</b>	Federal funding statute whose purpose is to ensure free and appropriate public education services for children with disabilities who fall within one of the specific disability categories as defined by the law.	Federal civil rights, non-discrimination statute protecting individuals with disabilities from discrimination in programs and activities receiving federal financial assistance.
<b>MAJOR PROVISIONS/PURPOSE</b>	<p>Ensures that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. Ensures that the rights of children with disabilities and their parents are protected.</p> <p>P.L. 108-446 §601(d) Regulation: 34 CFR §300.1</p> <p>Provides individual supplemental educational services and supports in addition to what is provided to students in the general curriculum to ensure that the child has access to and benefits from the general curriculum. This is provided free of charge to the parent.</p>	<p>No other qualified individual with a disability shall solely by reason of his/her disability be:</p> <ul style="list-style-type: none"> <li>Excluded from participation in;</li> <li>Denied the benefits of; or</li> <li>Be subjected to discrimination under any program or activity receiving federal financial assistance.</li> </ul> <p>29 USC §794(a) Regulation: 34 CFR §104.4</p> <p>Provides “<i>equal opportunity</i>” for eligible students with disabilities when compared to their non-disabled peers.</p>

	IDEA – Part B	Section 504 of the Rehabilitation Act
<p><b>ELIGIBLE INDIVIDUALS: CHILD WITH A DISABILITY/ QUALIFIED DISABLED PERSON</b></p>	<p>(a) General. (1) Child with a Disability means a child evaluated in accordance with §§300.304-300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.</p> <p>(2) (i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.304 – 300.311, that a child has one of the disabilities identified in (a)(1) of this section, but only needs a related service and not special education, the child is <b>not</b> a child with a disability under this part.</p> <p style="text-align: center;">P.L. 108-446 §602(3)(A-B) Regulation: 34 CFR §300.8(a)(1)(2)(i)</p> <p>(c) Definitions of disability terms. The terms used in this definition of a child with a disability are defined as follows:</p> <p>(10) Specific learning disability—(i) General. Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, <b>dyslexia</b>, and developmental aphasia.</p> <p>(ii) Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.</p> <p style="text-align: center;">Regulation: 34 CFR §300.8(c)(10)</p> <p>“The purpose of this letter is to clarify that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents.”</p> <p style="text-align: center;"><i>Dear Colleague Letter</i>, 66 IDELR 188, (OSERS, 2015)</p>	<p>A qualified disabled person means with respect to public preschool, elementary, secondary, or adult educational services, a disabled person is</p> <ul style="list-style-type: none"> <li>(i) of an age during which non- disabled persons are provided such services,</li> <li>(ii) of any age during which it is mandatory under state law to provide such services to disabled persons, or</li> <li>(iii) to whom a state is required to provide a free appropriate public education under §612 of the IDEA; <b>AND</b></li> </ul> <p>Any person who:</p> <ul style="list-style-type: none"> <li>(1) has a mental or physical impairment which substantially limits one or more major life activities,</li> <li>(2) has a record of such an impairment, or</li> <li>(3) is regarded as having such an impairment.</li> </ul> <p style="text-align: center;">Regulation: 34 CFR §104.3(k)(2), (j)(1)</p> <ul style="list-style-type: none"> <li>• Extends to parochial and other private schools that receive federal hot lunch, Title I, and/or IDEA program services;</li> <li>• Does NOT apply to home schooled children.</li> </ul> <p style="text-align: right;"><i>Letter to Veir</i>, 20 IDELR 864, (OCR, 1993).</p> <p>“A student’s impairment may substantially limit a major life activity regardless of whether the student performs well academically, and the student may need special education or related aids and services because of the disability. For example, a student who has <b>dyslexia</b> and is substantially limited in reading finds it challenging to read the required class material in a timely manner.”</p> <p style="text-align: center;">USDOE, OCR, <i>Parent and Educator Resource Guide for §504 in Public Elementary and Secondary Schools</i>, Pg. 5, December 2016; 42 USC §12102; 154 Cong. Rec §8342, ADAAA 2008; USDOE, OCR, <i>FAQ on the ADAAA of 2008 for Students with Disabilities attending Public Elementary and Secondary Schools</i>, FAQ 7 &amp; 9, Jan. 19, 2012.</p> <p><b>Major Life Activities:</b> Under §504, major life activities include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Learning</li> <li>• Reading</li> <li>• Writing</li> <li>• Concentrating</li> <li>• Communicating</li> <li>• Thinking</li> </ul> <p>Note: This is not an inclusive list of major life activities.</p>

	<ul style="list-style-type: none"> <li>• Extends, as a district obligation, to unilaterally placed students in private schools; and</li> <li>• To a much lesser extent, to those voluntarily placed in such schools. Regulation: 34 CFR §300.148; §300.129-300.147</li> </ul>	<p>Regulation: 34 CFR §104.3(j)(2); ADA 2008, 42 USC §12102(2)(A)(B)</p> <p><b>Substantial Limitation:</b> Not defined in §504 regulations; however, guidance and basic rules of construction from the ADA 2008 indicate that:</p> <p>(A) "Substantial limitation" shall be construed in favor of broad coverage.</p> <p>(E) (i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such –</p> <p>(I) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs or devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;</p> <p>(II) Use of assistive technology;</p> <p>(III) Reasonable accommodations or auxiliary aids or services; or</p> <p>(IV) Learned behavioral or adaptive neurological modifications.</p> <p>ADA 2008, 42 USC §12102(4)(A-E)</p> <p>"A student with a disability may achieve a high level of academic success but may nevertheless be substantially limited in a major life activity due to the student's impairment because of the additional time or effort the student must spend to read, write, or learn compared to others."</p> <p>USDOE, OCR, <i>Parent and Educator Resource Guide for §504 in Public Elementary and Secondary Schools</i>, Pg. 14, December 2016; 28 CFR §35.108(d)(3)(iii); 29 CFR pt. 1630, App. (<i>EEOC Interpretive Guidance on Title I of the ADA</i>), March 25, 2011.</p>
<b>CHILD FIND</b>	<p>(a) General. (1) The State must have in effect policy and procedures to ensure that -</p> <p>(6) All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability and who are in need of</p>	<p>A recipient that operates a public elementary or secondary education program shall annually:</p> <p>(a) Undertake to identify and locate every qualified person with a disability residing in the recipient's jurisdiction who is not receiving a public education; and</p>

	<p>special education and related services, are identified, located and evaluated; and ...</p> <p>(c) Other children in child find. Child find also must include –</p> <p>(1) Children who are suspected of being a child with a disability under §300.8 and in need of special education, <b><i>even though they are advancing from grade to grade</i></b>; and</p> <p>(2) Highly mobile children, including migrant children.</p> <p>Regulation: 34 CFR §300.111(a)(1)(i), (c)(1-2)</p>	<p>(b) Take appropriate steps to notify persons with disabilities and their parents or guardians of the recipient’s duty under this subpart.</p> <p>Regulation: 34 CFR §104.32</p> <p>“Because child find is an ‘<i>affirmative duty</i>’, a district’s obligation to evaluate may be triggered even if the parent doesn’t request an evaluation. The district’s independent suspicions may trigger the duty – districts may not require a parent to request an evaluation before they will consider one.”</p> <p><i>Aurora (CO) Pub Schs.</i>, 61 IDELR 83, (OCR 2013).</p>
<b>PARENTAL CONSENT</b>	<p>Parent must consent to the evaluation and placement of a student not previously identified with a disability. Consent is voluntary on the part of the parent and may be withdrawn at any time; however, the consent is not retroactive, nor does it negate an action that has occurred after the consent was given and before the consent was revoked. Separate consent must also be obtained for the initial provision of special education and related services.</p> <p>The parent must be fully informed of all information relevant to the activity for which the consent is sought, in his/her native language and the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.</p> <p>“Informed parent consent must be obtained before (i) conducting and initial evaluation or reevaluation; (ii) initial provision of special education and related services to a child with a disability.”</p> <p>P.L. 108-446 §614(a)(1)(D) Regulations: 34 CFR §300.9; 34 CFR §300.300</p>	<p>Although not specifically required under §504 regulations, <i>Response to Zirkel</i>, OCR May 1995, and <i>Response to Durham</i>, OCR December 1997, requires “parental consent prior to the conduct of <b>initial</b> student evaluation procedures for the identification, diagnosis, and prescription of specific educational services.”</p> <p><i>Letter to Durham</i>, 27 IDELR 380, OCR, Dec. 1997; <i>OCR Senior Staff Memorandum</i>, 19 IDELR 892, OCR 1992.</p>
<b>PARENT PARTICIPATION</b>	<p>Required.</p> <p>Regulation: 34 CFR §300.501</p>	<p>Not required, but parent must be given an opportunity to provide input/information for consideration by the committee.</p>
<b>PROCEDURAL SAFEGUARDS: PRIOR WRITTEN NOTICE</b>	<p>Requires written notice in the parent’s native language or other mode of communication (unless clearly not feasible) prior to the initiation, change or refusal to change the identification, evaluation or educational placement of a child or the provision of FAPE and/or upon request by a parent.</p> <p>P.L. 108-446 §615(b)(3) Regulation: 34 CFR §300.503</p> <p>The notice must include:</p>	<p>Although §504 regulations do not specifically require <b>written</b> notice of action to identify, evaluate, or place a child who may be disabled under §504, such notice should be provided in writing. Notification is also required before any “<i>significant change in placement</i>.”</p> <p>Regulation: 34 CFR §104.36</p> <p>No “<b>prior written notice</b>” addressed in regulation.</p>

	<p>(A) A description of the action proposed or refused by the agency;</p> <p>(B) An explanation of why the agency proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;</p> <p>(C) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;</p> <p>(D) Sources for parents to contact to obtain assistance in understanding the provisions of this part;</p> <p>(E) A description of other options considered by the IEP Team and the reason why those options were rejected; and</p> <p>(F) A description of the factors that are relevant to the agency's proposal or refusal.</p> <p>P.L. 108-446 §615(c)(1)(A-F) Regulation: 34 CFR §300.503</p>	
<p><b>PROCEDURAL SAFEGUARDS: NOTICE OF RIGHTS</b></p>	<p>Procedural Safeguards Notice</p> <p>(a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents –</p> <p>(1) Upon initial referral or parent request for evaluation;</p> <p>(2) Upon receipt of the first State complaint under §§300.151 – 300.153 and upon receipt of the first due process complaint under §300.507 in a school year;</p> <p>(3) In accordance with the discipline procedures in §300.530(h); and</p> <p>(4) Upon request by a parent.</p> <p>(b) Internet Web site. A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists.</p> <p>(c) Contents. The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151 through 300.153, §300.300, §§300.502 through 300.503, §§300.505 through 300.518,</p>	<p>Procedural safeguards.</p> <p>A recipient that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act (IDEA) is one means of meeting this requirement.</p> <p>Regulation: 34 CFR §104.36</p> <p>No other <i>"notice of rights"</i> addressed in regulations.</p>

	<p>§§300.530 through 300.536 and §§300.610 through 300.625 relating to –</p> <ol style="list-style-type: none"> <li>(1) Independent educational evaluations;</li> <li>(2) Prior written notice;</li> <li>(3) Parental consent;</li> <li>(4) Access to education records;</li> <li>(5) Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including – <ol style="list-style-type: none"> <li>(i) The time period in which to file a complaint;</li> <li>(ii) The opportunity for the agency to resolve the complaint; and</li> <li>(iii) The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;</li> </ol> </li> <li>(6) The availability of mediation;</li> <li>(7) The child’s placement during the pendency of any due process complaint;</li> <li>(8) Procedures for students who are subject to placement in an interim alternative educational setting;</li> <li>(9) Requirements for unilateral placement by parents of children in private schools at public expense;</li> <li>(10) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;</li> <li>(11) State-level appeals (if applicable in the State);</li> <li>(12) Civil actions, including the time period in which to file those actions; and</li> <li>(13) Attorneys’ fees.</li> </ol> <p>(d) Notice in understandable language. The notice required under paragraph (a) of this section must meet the requirements of §300.503(c).</p> <p>Regulation: 34 CFR §300.504(a-d)</p>	
<b>INITIAL EVALUATIONS</b>	<p>In conducting the evaluation, the LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information including information provided by the parent. Evaluation must assess all areas related to the child’s suspected disability.</p> <p>P.L. 108-446 §614(b)(2-3) Regulation: 34 CFR §300.304 34 CFR §§300.301- 300.311</p>	<p>The evaluation must draw upon information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical conditions, social or cultural background and adaptive behaviors. Procedures must ensure that information obtained is documented and carefully considered.</p> <p>Regulation: 34 CFR §104.35(c)(1)(2)</p>



	<p>In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.</p> <p>Regulation: 34 CFR §300.304(b)(6)</p>	<p>“Schools are required to consider information from a variety of sources in interpreting evaluation data and in making placement decisions, and the independent evaluation is another source that makes up the universe of information about the student.”</p> <p>USDOE, OCR, <i>Parent and Educator Resource Guide for §504 in Public Elementary and Secondary Schools</i>, pg. 18, December 2016.</p>
<b>TIMELINES</b>	<p>Initial evaluations shall be completed within 60 days of receiving parental consent for the evaluation, or, <b>if State establishes a timeframe</b>, within which the evaluation must be conducted, within such timeframe.</p> <p>P.L. 108-446 §614(a)(1)(C)(i) Regulation: 34 CFR §300.301(c)(1)(i-ii)</p> <p><b>Texas Timelines:</b> TAC §89.1011(b – h).</p> <p>In Texas, in general initial evaluations must be completed within 45 school days following the date on which the district receives written consent for evaluation. The deadline is extended, however, under certain situations. For example, requests received at the end of spring semester do not need to be completed until the beginning of the following school year.</p>	<p>Not addressed in regulations, however, ...</p> <p>“failure to conduct an evaluation within a reasonable period of time after referral violates Section 504 when it denies an eligible student an appropriate education.”</p> <p><i>Dade County School District</i>, 20 IDELR 267 (OCR, 1993) ; <i>La Honda-Pescadero Unified School District</i>, 20 IDELR 833.</p> <p>“OCR generally looks to the IDEA timeline, or if applicable, to State requirements or local district policy to assess the reasonableness of the time it takes the school to evaluate the student once parental consent has been obtained.”</p> <p>USDOE, OCR, <i>Parent and Educator Resource Guide for §504 in Public Elementary and Secondary Schools</i>, pg. 17, December 2016.</p>

<b>FREE APPROPRIATE PUBLIC EDUCATION (FAPE)</b>	<p>The provision of special education and related services... provided at public expense, meeting the standards of the State Educational Agency, and in conformity with an IEP in a manner reasonably calculated to enable the child to receive <b>educational benefit</b>.</p> <p>P.L. 108-446 §602(9) Regulation: 34 CFR §300.17</p> <p>Current FAPE standard from Supreme Court: “In <i>Endrew F. v. Douglas County School District</i>, 137 S.Ct. 988 (2017), the U.S. Supreme Court held that to meet its FAPE obligation under the IDEA, a district must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. In clarifying the standard, the Court rejected the ‘merely more than <i>de minimus</i>’ (i.e., more than trivial) standard applied previously. In determining the scope of FAPE, the Court reinforced the requirement that <i>‘every child should have the chance to meet challenging objectives.’</i>”</p>	<p>The provision of regular or special education or related aids and services designed to meet the individual educational needs of disabled persons as adequately as the needs of non-disabled persons are met.</p> <p>Regulation: 34 CFR §104.33(b)(1)(i)</p> <p>“To offer an ‘appropriate education under the Rehabilitation Act, a school district must reasonably accommodate the needs of the child with a disability so as to ensure meaningful participation in educational activities and meaningful access to educational benefits.”</p> <p><i>Ridley School District v. M.R.</i>, 58 IDELR 271, (3<sup>d</sup> Cir., 2012).</p> <p>“In order to determine what education is appropriate, each child with a disability must be evaluated individually, the nature of an appropriate education must be determined based on the evaluation, and appropriate services must be provided accordingly. There are definite costs involved, and school districts must pay them in order not to discriminate on the basis of disability.”</p>
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	<p>USDOE, <i>Q&amp;A on U.S. Supreme Court Case Decision</i>  <i>Endrew F. v. Douglas County School</i>,  December 7, 2017.</p> <p><i>“Appropriate Education”</i> is defined as a program reasonably calculated to provide <i>“educational benefit”</i> to the student. Related services are provided as required for the student to benefit from the educational process and are aligned with specially designed instruction (e.g. counseling, speech, transportation, OT, and PT, etc.) The IEP must be developed to meet the child’s individual needs and allowing for the child to receive educational benefit in the least restrictive environment.</p> <p>P.L. 108-446 §614(d)(1)(A)  Regulation: 34 CFR §300.320</p> <p>(a) General.</p> <p>(1) <b>Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability</b>, including—</p> <p>(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and</p> <p>(ii) Instruction in physical education.</p> <p>(2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section—</p> <p>(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;</p> <p>(ii) Travel training; and</p> <p>(iii) Vocational education.</p> <p>(b) Individual special education terms defined. The terms in this definition are defined as follows:</p> <p>(1) At no cost means that all specially-designed instruction is provided without charge but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.</p> <p>(2) Physical education means—</p> <p>(i) The development of—</p> <p>(A) Physical and motor fitness;</p> <p>(B) Fundamental motor skills and patterns; and</p> <p>(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and</p>	<p><i>Letter to Zirkel</i>, 16 IDELR 1177, (OCR, 1990).</p> <p>OCR does not support a reasonable accommodation limitation, or any sort of limitation, of a school district’s obligation based on cost considerations.</p> <p><i>Modoc County (CA) Office of Educ.</i>,  24 IDELR 580, (OCR, 1996).</p> <p>“If a student with a disability is eligible for FAPE under §504 but is not receiving FAPE services under the IDEA, that student is entitled to the provision of any services the placement team decides are appropriate to meet their individual educational needs, regardless of cost or administrative burden, and especially where such services have been provided to IDEA-eligible students in the past. Those services can be as varied and as comprehensive as necessary to meet a student’s need.”</p> <p>USDOE, OCR, <i>Resource Guide on Students with ADHD and §504</i>,  pg. 27, July 2016.</p> <p>23. Free appropriate public education. §104.33(b) concerns the provision of appropriate educational services to children with disabilities. To be appropriate, such services must be designed to meet the individual educational needs of children with disabilities to the same extent that those of children who are not disabled are met. An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. <b>Special education may include specially designed instruction</b> in classrooms, at home, or in private or public institutions and may be accompanied by such related services as developmental, corrective, and other supportive services (including psychological, counseling, and medical diagnostic services.) The placement of the child must however, be consistent with the requirements of §104.34 and be suited to his or her educational needs. The quality of the educational services provided to students with disabilities must equal that of the services provided to students who are not disabled; thus, <b>disabled student’s teachers must be trained in the instruction of persons with the disability in question and appropriate materials and equipment must be available. ...</b></p>
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	<p>(ii) Includes special physical education, adapted physical education, movement education, and motor development.</p> <p>(3) <b>Specially designed instruction</b> means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—</p> <p>(i) To address the unique needs of the child that result from the child's disability; and</p> <p>(ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.</p> <p>Regulation: 34 CFR §300.39</p>	<p>Regulations: 34 CFR Part 104, Appendix A to Part 104 Subpart D – Preschool, Elementary, and Secondary Education, Question 23, FAPE.</p>
<p><b>MULTI-DISCIPLINARY TEAM: IEP TEAM (ARD)/§504 COMMITTEE</b></p>	<p>A multi-disciplinary team evaluation is required to assess all areas related to the suspected disability. The IEP team includes: the parent(s) of a child with a disability; not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); not less than one special education teacher of the child or where appropriate not less than one special education provider of the child; a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the public agency; an individual who can interpret the instructional implications of evaluation results; at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and, whenever appropriate, the child.</p> <p>P.L. 108-446 §614(d)(1)(B)</p> <p>Regulation: 34 CFR §300.306, 300.321</p> <p>The determination of whether a child suspected of having a <b>specific learning disability</b> is a child with a disability as defined in §300.8, must be made by the child's parents and a team of qualified professionals, which must include—</p> <p>(a)(1) The child's regular teacher; or</p> <p>(2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or</p> <p>(3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and</p>	<p>Group of individuals knowledgeable about the student, evaluations, and placement options. (Minimum of 2 people).</p> <p>34 CFR §104.35(c)(3)</p> <p>“Parents can be an important source of information to the school district about what techniques, interventions, services, and supports would be most effective in meeting that student’s needs.”</p> <p>USDOE, OCR, <i>Resource Guide on Students with ADHD and §504</i>, Pg. 27, July 2017.</p> <p>In the case of a student with dyslexia, the §504 Committee <b>must</b> include a member with knowledge regarding:</p> <ul style="list-style-type: none"> <li>• The reading process</li> <li>• Dyslexia and related disorders</li> <li>• Dyslexia instruction</li> <li>• District or charter school, state, and federal guidelines for assessment.</li> </ul> <p>TEA, <i>The Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders</i>, Updated 2018, pg. 27.</p>

	<p>(b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.</p> <p>Regulation: 34 CFR §300.308</p> <p>In the case of a student with dyslexia, the IEP (ARD) Committee <b>must</b> include a member with knowledge regarding:</p> <ul style="list-style-type: none"> <li>• The reading process</li> <li>• Dyslexia and related disorders</li> <li>• Dyslexia instruction</li> <li>• District or charter school, state, and federal guidelines for assessment.</li> </ul> <p>TEA, <i>The Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders</i>, Updated 2018, pg. 27.</p> <p>In Texas, the IEP Team is referred to as the Admission, Referral, and Dismissal (ARD) Committee.</p>	
<b>DOCUMENTATION OF ELIGIBILITY, SERVICES, AND PLACEMENT</b>	<p>Requires a written Individualized Education Program (IEP) documentation with specific content addressing the disability directly and specifying educational services to be delivered. Mandates transition planning for students 16 and over (in Texas transition begins at age 14).</p> <p>As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include:</p> <ol style="list-style-type: none"> <li>(1) A statement of the child's present levels of academic achievement and functional performance,</li> <li>(2) A statement of measurable annual goals, including academic and functional goals designed to – <ol style="list-style-type: none"> <li>(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and</li> <li>(B) Meet each of the child's other educational needs that result from the child's disability.</li> </ol> </li> <li>(3) A description of how the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and when periodic reports on the progress the child is making toward meeting the annual goals will be provided;</li> </ol>	<p>Although not required in writing by the regulations, a written §504 Plan is recommended.</p> <p>Implementation of an IEP in accordance with the IDEA is one means of meeting the standard.</p> <p>Regulation: 34 CFR §104.33(2)</p> <p>"In general, a §504 plan describes the regular or special education and related aids and services a student needs and the appropriate setting in which to receive those services. OCR encourages schools to document a student's §504 services in a written plan to help avoid misunderstanding or confusion about what §504 services the school offered the student."</p> <p>USDOE, OCR, <i>Parent and Educator Resource Guide for §504 in Public Elementary and Secondary Schools</i>, pg. 10, December 2016.</p>

	<p>(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practical, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education, and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in the activities described in this section.</p> <p>(5) An explanation of the extent, if and to which the child will not participate with nondisabled children in the regular class and in the activities described (4) of this section.</p> <p>(6) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments consistent with section 612(a)(16) of the Act; and if the IEP/ARD determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why the child cannot participate in the regular assessment; and the particular alternate assessment selected is appropriate for the child.</p> <p>(7) The projected date for the beginning of the services and modifications described in (4) of this section, and the anticipated frequency, location, and duration of those services and modifications. ... Regulation: 34 CFR §300.320(a)(1-7)</p>	
<b>NOTICE OF THE RIGHT TO AN OUTSIDE INDEPENDENT EVALUATION</b>	<p>A parent who disagrees with the evaluation obtained by the school district has the right to an independent evaluation at public expense unless the district initiates an impartial hearing and the district's evaluation is found to be appropriate. Regulation: 34 CFR §300.502</p>	<p>Not addressed in regulations and there are no specific requirements regarding when or whether districts should grant or reject them. However, in <i>Randolph (MA) Public School</i>, 21 IDELR 816 (OCR 1994), OCR opined that, in interpreting data and making placement decisions, a district <b>must</b> draw upon information from a variety of sources, including results of independent evaluations, and ensure that the information obtained from all sources is documented and carefully considered.</p>

RELATED AIDS AND SERVICES	<p>(a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.</p> <p>(b) Exception; services that apply to children with surgically implanted devices, including cochlear implants. Regulation: 34 CFR §300.34(a-b)</p>	<p>Not defined in regulations; however, OCR Letter of Findings states that the term “related aid” means the same as “related services” under the IDEA. <i>Prescott (AZ) Unified Sch. Dist. No. 1, 352 IDELR 541 (OCR 1987).</i></p> <p>OCR has also stated that the term “<i>related aids and services</i>” means the same as “<i>supplemental aids and services</i>” as set forth in the least restrictive environment requirement at 34 CFR §104.34(a).</p>
TRANSITION SERVICES	<p>(b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include –</p> <ol style="list-style-type: none"> <li>(1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and</li> <li>(2) The transition services (including courses of study) needed to assist the child in reaching those goals.</li> </ol> <p>Regulation: 34 CFR §300.310(b)(1-2)</p> <p>Texas Transition: TEC §29.011 - §29.0111 TAC §89.1055(j-k)</p> <p>In Texas, transition begins at age 14.</p>	<p>Not required in §504 regulations. Title I of the Rehabilitation Act, however, authorizes pre-employment transition services under the vocational rehabilitation program. The state’s vocational rehabilitation program (in Texas, operated by the Texas Workforce Commission) must cooperate with school districts and charter schools to make pre-employment transition services available to <b><i>all</i></b> students with disabilities. The term “<i>students with disabilities</i>” includes students identified under Section 504 by school districts and charter schools. Regulation: 34 CFR §361.5(c)(42), (51)</p>
LEAST RESTRICTIVE ENVIRONMENT (LRE)	<p>“To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes</p>	<p>The student shall be placed in the regular educational environment unless the child’s education cannot be achieved satisfactorily even with the use of supplementary aids and services. Regulation: 34 CFR §104.34(a)</p> <p>“..., it should be stressed that, where a disabled student is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs</p>

	<p>with the use of supplementary aids and services cannot be achieved satisfactorily.” Regulation: 34 CFR §300.114(a)(2)</p>	<p>of the disabled child cannot be met in that environment. Therefore, regular placement would not be ‘appropriate’ to his or her needs and would not be required by §104.34.” 34 CFR §104.34, Appendix A, #24</p>
<b>RE-EVALUATION</b>	<p>Reevaluation shall be conducted not more frequently than one a year, unless the parent and the local educational agency agree otherwise; and at least once every 3 years, unless the parent and the local educational agency agree that reevaluation is unnecessary. Informed parental consent is required for reevaluations. P.L. 108-446 §614(a)(2)(A-B) Regulations: 34 CFR §300.303 – 34 CFR §300.311</p>	<p>Required prior to any significant change of placement. Regulation: 34 CFR §104.34(a)</p> <p>“A recipient to which this section applies shall establish procedures, in accordance with paragraph (b) of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the IDEA is one means of meeting this requirement.” Regulation: 34 CFR §104.35(d)</p>
<b>DUE PROCESS</b>	<p>Right to an impartial hearing with hearing officer appointed by the SEA. Must exhaust administrative remedies. Includes the right to be represented by counsel, to review any action involving the identification, evaluation, educational placement or the provision of FAPE to a child with a disability as defined under the IDEA. In addition, parents may file complaints which set forth an alleged violation that occurred not more than 2 years before the date the parent or public agency knew or should have known the alleged action that forms the basis of the complaint. P.L. 108-446 §615(b)(6)(A-B) Regulations: 34 CFR §300.506 – 34 CFR §300.516</p>	<p>Right to an impartial hearing and a review procedure, including the right to be represented by counsel. Administrative remedies need not be exhausted prior to filing a complaint in state or federal court or with the Office for Civil Rights (OCR). Regulation: 34 CFR §104.36</p>
<b>PROGRAM ACCESS</b>	<p>Each public agency shall take steps to provide nonacademic services and activities in such a manner as is necessary to afford children with disabilities an equal opportunity for participation in those services and activities. In addition, a variety of educational programs (i.e., art, music, vocational education, etc.) and services available to non-disabled children must also be available to the child with a disability. Regulations: 34 CFR §300.107; 34 CFR §300.110</p>	<p>No qualified individual with a disability shall, because a recipient’s facilities are inaccessible or unusable by disabled individuals, be denied the benefits of or be excluded from participation in, or otherwise be subjected to discrimination under any program or activity. Does not require recipients to make each of its existing facilities or every part of an existing facility accessible. Regulation: 34 CFR §104.4</p>
<b>COMPLIANCE AND ENFORCEMENT</b>	<p>Office of Special Education Programs (OSEP) and the State Education Department. Non-compliance may result in loss of IDEA funds and state aid. Administrative appeals and/or courts. Disputes: Independent Hearing Officer is SEA responsibility. Detailed requirements for hearings. Hearing results available on TEA website. SEA Responsibility: State complaint system</p>	<p>Office for Civil Rights (OCR) – United States Department of Education. Non-compliance may result in loss of ALL federal funds. Administrative appeals and/or courts. Disputes: Independent Hearing Officer is LEA responsibility. Skeletal requirement for hearings. Published results rare. LEA Responsibility: §504 District Coordinator</p>

	LEA Responsibility: Special Education Director	
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*Resources for additional information:*

U.S. Department of Education, Office for Civil Rights, *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools* (December 2016).

<http://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Department of Education, Office for Civil Rights, *Questions and Answers on the ADA Amendments Act of 2008 and Students with Disabilities Attending Public Elementary and Secondary Schools* (Jan. 19, 2012).

[www.ed.gov/ocr/letters/colleague-201109.html](http://www.ed.gov/ocr/letters/colleague-201109.html)

Texas Education Agency, *Parent's Guide to the Admission, Review, and Dismissal Process* (April 2016).

<https://tea.texas.gov/index2.aspx?id=2147496922>

Disability Rights Texas, *IDEA Manual – A Guide for Parents and Students About Special Education Services in Texas* (2016 Edition).

<https://www.disabilityrightstx.org/resources/education>



## Appendix E: Contacts for Further Information

### Education Service Center Dyslexia Contacts

*For more information about dyslexia services, contact your regional education service center. When you call, ask for the dyslexia contact for your region.*

Region 1	1900 W. Schunior Edinburg, TX 78541-2234 (956) 984-6000 Fax (956) 984-7655	Region 2	209 N. Water St. Corpus Christi, TX 78401-2528 (361) 561-8400 Fax (361) 883-3442
Region 3	1905 Leary Lane Victoria, TX 77901-2899 (361) 573-0731 Fax (361) 576-4804	Region 4	7145 W. Tidwell Rd. Houston, TX 77092-2096 (713) 462-7708 Fax (713) 744-6514
Region 5	Edison Plaza, 350 Pine St. Beaumont, TX 77701 (409) 951-1700 Fax (409) 951-1840	Region 6	3332 Montgomery Rd Huntsville, TX 77340-6499 (936) 435-8400 Fax (936) 435-8484
Region 7	1909 N. Longview St. Kilgore, TX 75662-6827 (903) 988-6700 Fax (903) 988-6708	Region 8	4845 U S Hwy 271 N Pittsburg, TX 75686-8551 (903) 572-8551 Fax (903) 575-2611
Region 9	301 Loop 11 Wichita Falls, TX 76306-3706 (940) 322-6928 Fax (940) 767-3836	Region 10	400 E. Spring Valley Rd Richardson, TX 75081-5101 (972) 348-1700 Fax (972) 231-3642
Region 11	3001 N. Freeway Fort Worth, TX 76106-6596 (817) 740-3600 Fax (817) 740-7600	Region 12	PO Box 23409 Waco, TX 76702-3409 (254) 297-1212 Fax (254) 666-0823
Region 13	5701 Springdale Rd Austin, TX 78723-3675 (512) 919-5313 Fax (512) 919-5374	Region 14	1850 Highway 351 Abilene, TX 79601-4750 (325) 675-8600 Fax (325) 675-8659
Region 15	PO Box 5199 San Angelo, TX 76902-5199 (325) 658-6571 Fax (325) 658-6571	Region 16	5800 Bell St. Amarillo, TX 79109-6230 (806) 677-5000 Fax (806) 677-5001
Region 17	1111 W. Loop 289 Lubbock, TX 79416-5029 (806) 792-4000 Fax (806) 792-1523	Region 18	PO Box 60580 Midland, TX 79711-0580 (432) 563-2380 Fax (432) 567-3290
Region 19	PO Box 971127 El Paso, TX 79997-1127 (915) 780-1919 Fax (915) 780-6537	Region 20	1314 Hines Ave San Antonio, TX 78208-1899 (210) 370-5200 Fax (210) 370-5750

## **State and Federal Contacts**

### **For more information about state dyslexia regulations:**

State Dyslexia Consultant  
Region 10 Education Service Center  
400 E. Spring Valley Road  
Richardson, TX 75081-5101  
(800) 232-3030  
[www.region10.org](http://www.region10.org)

### **Texas Education Agency**

1701 N. Congress Ave  
Austin, TX 78701-1494  
[www.tea.texas.gov](http://www.tea.texas.gov)

Curriculum Standards and Student Support Division  
(512) 463-9581  
<https://tea.texas.gov/academics/dyslexia/>

Division of Special Education  
(512) 463-9414  
[https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Special\\_Education/Special\\_Education/](https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Special_Education/)

### **For more information regarding the Rehabilitation Act of 1973, §504:**

The Office for Civil Rights/Department of Education  
Dallas Regional Office/Region VI (Arkansas, Louisiana, Mississippi, Texas)  
1999 Bryan St., Suite 1620  
Dallas, TX 75201  
(214) 661-9600  
Fax (214) 661-9587

## Resources and Training Providers

**Note:** This is *not* a TEA-endorsed list but is intended to provide additional sources for information about dyslexia and related disorders. The following training centers may serve districts with dyslexia-related professional development opportunities and assist districts and parents in the diagnosis and treatment of students with dyslexia. Additional centers may be available in your area.

<b>ALLIANCE</b> <b>The Alliance for Accreditation and Certification</b> 14070 Proton Rd, Suite 100 Dallas, TX 75244 (972) 233-9107 ext. 226 Fax (972) 490-4219 <a href="http://www.allianceaccreditation.org">www.allianceaccreditation.org</a>	<b>ALTA</b> <b>Academic Language Therapy Association</b> 14070 Proton Rd, Suite 100 Dallas, TX 75244 (972) 233-9107 ext. 226 Fax (972) 490-4219 <a href="http://www.altaread.org">www.altaread.org</a>
<b>Bookshare—Texas Support</b> 480 S. California Ave. Palo Alto, CA 94306 (650) 644-3400 Fax (650) 475-1066 <a href="http://www.bookshare.org/cms/state/texas">www.bookshare.org/cms/state/texas</a>	<b>Dyslexia Center of Austin*</b> 7401 W. Slaughter Lane, #5061 Austin, TX 78739 (512) 522-7408 <a href="mailto:info@dyslexiacenterofaustin.org">info@dyslexiacenterofaustin.org</a> <a href="http://www.dyslexiacenterofaustin.org">www.dyslexiacenterofaustin.org</a>
<b>MTS Publications</b> P.O. Box 2 Forney, TX 75126-0002 (972) 552-1090 Fax (972) 552-9889 <a href="http://www.mtspublications.com">www.mtspublications.com</a>	<b>IDA</b> <b>International Dyslexia Association</b> 40 York Rd, 4 <sup>th</sup> Floor Baltimore, MD 21204 (410) 296-0232 Fax (410) 321-5069 <a href="http://www.dyslexiaida.org">www.dyslexiaida.org</a> Austin Branch: <a href="http://www.aus.dyslexiaida.org">www.aus.dyslexiaida.org</a> Dallas Branch: <a href="http://www.dal.dyslexiaida.org">www.dal.dyslexiaida.org</a> Houston Branch: <a href="http://www.houstonida.org">www.houstonida.org</a>
<b>IMSLEC</b> <b>International Multisensory Structured Language Education Council</b> 14070 Proton Rd., Suite 100 Dallas, TX 75244 <a href="http://www.imslec.org">www.imslec.org</a>	<b>ILA</b> <b>International Literacy Association</b> PO Box 8139 Newark, DE 19714-8139 (800) 336-7323 Fax (302) 731-1057 <a href="http://www.literacyworldwide.org">www.literacyworldwide.org</a> <b>Texas Association for Literacy Education</b> <a href="http://www.texasreaders.org">www.texasreaders.org</a>
<b>JPWMF and Learning Center*</b> 403 W. Washington Dr. San Angelo, TX 76903 (325) 655-2331 <a href="http://www.jpwlearningcenter.com">www.jpwlearningcenter.com</a>	<b>LDA</b> <b>Learning Disabilities Association of America</b> 4156 Library Rd Pittsburgh, PA 15234-1349 (412) 341-1515 Fax (412) 344-0224 <a href="http://www.ldaamerica.org">www.ldaamerica.org</a>

<b>LDAT</b> <b>Learning Disabilities Association of Texas</b> PO Box 831392 Richardson, TX 75083-1392 <a href="http://www.ldatx.org">www.ldatx.org</a>	<b>LEAD*</b> <b>Literacy Education &amp; Academic Development, Inc.</b> PO Box 822494 Dallas, TX 75231-2494 (214) 536-9046 Fax (214) 536-7917 <a href="http://www.leadabcd.com">www.leadabcd.com</a>
<b>Learning Ally</b> 20 Roszel Rd. Princeton, NJ 08540 (800) 221-4792 <a href="http://www.learningally.org">www.learningally.org</a> <b>Learning Ally—Texas Support</b> <a href="http://www.learningally.org/texas">www.learningally.org/texas</a>	<b>McKinney Christian Multisensory Teacher Training*</b> 3601 Bois D’Arc Rd McKinney, TX 75071 (214) 544-2658 <a href="http://www.mckinneychristian.org">www.mckinneychristian.org</a>
<b>Midwestern State University</b> Department of Counseling, Kinesiology, and Special Education 3410 Taft Blvd. Wichita Falls, TX 76308 (940) 397-4000 <a href="http://www.msutexas.edu">www.msutexas.edu</a>	<b>National Center for Learning Disabilities (NCLD)</b> 32 Laight Street, Second Floor New York, NY 10013 (888) 575-7373 (toll free) Fax (212) 545-9665 <a href="http://www.nclld.org">www.nclld.org</a>
<b>Neuhaus Education Center*</b> 4433 Bissonnet Bellaire, TX 77401 (713) 664-7676 Fax (713) 664-4744 <a href="http://www.neuhaus.org">www.neuhaus.org</a>	<b>Rawson Saunders Institute*</b> 2614A Exposition Blvd. Austin, TX 78703 (512) 476-8382 Fax (512) 476-1132 <a href="http://www.rawsonsaunders.org">www.rawsonsaunders.org</a>
<b>Scottish Rite Learning Center of South Texas*</b> 308 Avenue E San Antonio, TX 78205 (210) 222-0133 Fax (210) 222-0136 <a href="http://www.srllearningcenter.org">www.srllearningcenter.org</a>  <b>Shelton School*</b> <b>Shelton Outreach/Training</b> 15720 Hillcrest Rd Dallas, TX 75248 (972) 774-1772 ext 2223 Fax (877) 229-5004 <a href="http://www.shelton.org">www.shelton.org</a>	<b>Scottish Rite Learning Center of West Texas*</b> 1101 70th St. Lubbock, TX 79412 (806) 765-9150 Fax (806) 765-9564 For info email: <a href="mailto:srlcwt.lub@gmail.com">srlcwt.lub@gmail.com</a>  <b>Southern Methodist University Learning Therapy Program*</b> 6401 Airline Road Dallas, TX 75205 (214) 768-7323 Fax (972) 473-3442 <a href="http://www.smu.edu/learningtherapy">www.smu.edu/learningtherapy</a>

<b>Texas Center for Learning Disabilities</b> 1912 Speedway D4900 Austin, TX 78712-1284 (512)232-2320 Fax (512)232-2322 <a href="http://www.texasldcenter.org">www.texasldcenter.org</a>	<b>Texas Scottish Rite Hospital for Children,  Luke Waites Center for Dyslexia and Learning  Disorders*</b> 2222 Welborn St. Dallas, TX 75219-9813 (214) 559-7815 Fax (214) 559-7808 <a href="http://www.tsrhc.org">www.tsrhc.org</a>
<b>West Texas A&amp;M University  Center for Learning Disabilities</b> Amarillo Campus – Chase Tower 600 S. Tyler, Suite 711 Amarillo, TX 79101 (806) 651-8240 <a href="http://www.wtamu.edu/learningdisabilities">www.wtamu.edu/learningdisabilities</a>	

\*International Multisensory Structured Language Education Council (IMSLEC)-accredited training center



## Appendix F: Associated Terms

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**Accelerated reading instruction:** intensified, research-based reading instruction that addresses the student's reading needs that were determined by the results of the K–2 reading instruments (TEC §28.006)

This intensive, research-based instruction is provided for students determined to be at risk for dyslexia or other reading difficulties. The school district or open-enrollment charter school determines the form, content, and timing of the intensive instruction that is designed to meet students' needs (e.g., instruction in phonemic awareness, alphabetic principle, word-analysis strategies, fluency, and/or reading comprehension).

**Accommodation:** changing or altering the learning environment, materials, delivery method, or number of answers

Modifications/changes should not be made to the state curriculum standards known as the Texas Essential Knowledge and Skills (TEKS).

**Adaptive behavior:** the effectiveness with which the student meets the standards of personal independence and social responsibility expected of his or her age and cultural group

**Alphabetic principle:** the understanding that the sequence of letters in written words represents the sequence of sounds (or phonemes) in spoken words

**Assistive technology:** any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability (IDEA)

Assistive technology does not include a medical device that is surgically implanted or the replacement of such device (34 C.F.R. §300.5).

**At risk for dyslexia:** : a term used to describe students who are found to be at risk based on the results of the universal screening instrument or who are not making adequate progress in the areas of reading and/or reading development but who have not yet been identified as students with dyslexia

The students considered at risk are at the preidentification level. These students must be provided accelerated reading instruction (intensive, research-based instruction that addresses the reading needs of the student).

**Child Find:** a school district's system for identifying, locating, and evaluating individuals with disabilities (birth through 21 years of age) who reside in its jurisdiction and who may need special education and related services

**Cognate:** a word in one language that looks and means the same as a word in another language (family (English)/familia (Spanish)/família (Portuguese)/famiglia (Italian)/famille (French)/família (Catalan)/familie (Romanian)).

**Cross-linguistic:** relating to the comparison of different languages and the influence that knowledge of one language has on an individual's learning or use of another language

**Data-based decision making:** an ongoing process of collecting and analyzing formal and informal data (e.g., demographic, progress-monitoring, assessment, etc.) in order to guide educational decisions for a student

**Developmental auditory imperception:** the inability to receive and understand sounds and words

**Developmental dysgraphia:** an inability to write legibly

This may occur in addition to other difficulties in written language. Visual-motor coordination skills are frequently within the average range and are not the primary cause of dysgraphia.

**Developmental spelling disorder:** significant difficulty learning to spell

This occurs in the absence of reading or other written-language difficulties.

**Differentiated instruction:** a process used to recognize students' varying background knowledge, readiness, language, preferences in learning, and interests

Differentiated instruction is a process used to approach teaching and learning for students of differing abilities in the same class. The intent of differentiating instruction is to maximize each student's growth and individual success by meeting each student where he or she is and assisting in the learning process.

**Dominant language:** the language of an individual that is strongest and most developed

**Dyslexia:** specific learning disability that is neurological in origin

It is characterized by difficulties with accurate and/or fluent word recognition and poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge (International Dyslexia Association, 2002).

**Dysphasia:** a delay in the development of comprehension and/or expression of oral language; terms commonly used to describe this condition include "developmental language disorder" and "specific language impairment"

**Evaluation:** the use of multiple methods in evaluating a variety of data to guide establishment of appropriate interventions

For the identification of a student with dyslexia, the data for evaluation should include the teacher's observations, the developmental and academic history of the student, the results of a variety of reading assessments, and all other information relevant to the identification of dyslexia.

**Evidence-based instruction:** "an activity, strategy, or intervention that—

- (i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—(I) strong evidence from at least 1 well-designed and well-implemented experimental study; (II) moderate evidence from at least 1 well-designed and well-



implemented quasi-experimental study; or (III) promising evidence from at least 1 well designed and well-implemented correlational study with statistical controls for selection bias; or

(ii)(I) demonstrates a rationale based on high quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and (II) 14 includes ongoing efforts to examine the effects of such activity, strategy, or intervention” (ESSA, 2015, pp. 388-389).

For reading, this will include reliable, trustworthy, and valid evidence suggesting that when the program is used with a given group of students, the students can be expected to make adequate gains in reading achievement.

**Explicit, direct instruction:** instruction that is systematic (structured), sequential, and cumulative

Instruction is organized and presented in a way that follows a logical sequential plan, fits the nature of language (alphabetic principle) with no assumption of prior skills or language knowledge, and maximizes student engagement.

**Fidelity of implementation:** the commitment to implement a program, practice, or service as the designers or developers of the program intended

**Free Appropriate Public Education (FAPE):** an educational right of a child with disabilities in the United States to be provided with an education, including specialized instruction and related services, that prepares the child for further education, employment, and independent living

In 1975, Congress passed Public Law 94-142, also known as the [Education for All Handicapped Children Act](#), which defined and outlined that all public schools should provide all students with a free appropriate public education at public expense without additional charges to parents or students and must be under public supervision and be appropriate for the child’s needs.

**Fluency:** the ability to read with speed, accuracy, and proper expression

Fluency is one of several critical factors necessary for reading comprehension.

**Graphophonemic knowledge (phonics) instruction:** instruction that takes advantage of the letter-sound plan in which words that carry meaning are made of sounds, and sounds are written with letters in the right order

Students with this understanding can blend sounds associated with letters into words and can separate words into component sounds for spelling and writing.

**Individualized instruction:** instruction that meets the specific learning needs of an individual student. Materials and methods are matched to each student’s ability level.

**Intervention:** a change in instruction in the area of learning difficulty to improve performance and achieve adequate progress

**Language proficiency:** the level of skill in a language

Language proficiency is composed of oral (listening and speaking) and written (reading and writing) components as well as academic and nonacademic language.

**Language structure instruction:** instruction that encompasses morphology, semantics, syntax, and pragmatics

**Linguistic instruction:** instruction that is directed toward proficiency and fluency with patterns of language so that words and sentences are the carriers of meaning

**Meaning-based instruction:** instruction that is directed toward purposeful reading and writing, with an emphasis on comprehension and composition

**Morpheme:** a meaningful linguistic unit that cannot be divided into smaller meaningful elements, such as the word “book”

A morpheme is also a component of a word, as the letter “S” in “books.”

**Morphology:** the study of the structure and form of words in a language, including inflection, derivation, and the formation of compounds

Knowledge of morphemes facilitates decoding, spelling, and vocabulary development.

**Morphosyllabic writing systems:** writing systems composed of several thousand characters that are visually complex and each represents a morpheme not a phoneme

An example of a morphosyllabic writing system is Japanese Kanji or Chinese Hanzi.

**Multisensory instruction:** instruction that incorporates the simultaneous use of two or more sensory pathways (auditory, visual, kinesthetic, tactile) during teacher presentation and student practice

**Orthographic awareness:** the ability to perceive and manipulate aspects of a writing system and the visual aspects of reading and spelling, such as letters, letter patterns, and words

**Orthographic memory:** the memory for letter patterns and word spellings

**Orthography:** the writing system of a language, including the spelling, punctuation, and capitalization rules

**Phonemic awareness:** the insight that spoken words can be conceived as a sequence of sounds; the ability to manipulate the sounds within words (e.g., segmenting or blending)

**Phonics:** a method of teaching reading that helps students build understanding of sound-symbol relationships and spelling patterns

**Phonology:** the sound structure of speech and in particular, the perception, representation, and production of speech sounds

**Phonological memory:** passive short-term memory that briefly stores speech-based information in phonological form

**Progress monitoring:** a scientifically based practice used to assess students' academic progress and/or performance and evaluate the effectiveness of instruction

Progress monitoring can be implemented with individual students or an entire class. Progress monitoring is a quick (less than 5 minutes) assessment that is done frequently (weekly or biweekly) in order to make instructional changes in a timely fashion.

**Recommendation for assessment for dyslexia:** recommendation by the teacher, school district, or open-enrollment charter school staff, and/or the parent or guardian that a student be assessed for dyslexia

Following the recommendation, the school district or open-enrollment charter school must adhere to its written procedures and the procedures within the handbook.

**Response to intervention (RTI):** a multistep, or tiered, approach to providing services and interventions at increasing levels of intensity to students who struggle with learning

The progress students make at each stage of intervention is closely monitored. Results of this monitoring are used to make decisions about the need for further research-based instruction and/or intervention in general education, in specialized instructional settings, or both.

**Scientifically based research:** the required standard in professional development and the foundation of academic instruction called for in the guidelines of the Elementary and Secondary Education Act (ESEA). Under the ESEA definition, scientifically based research must meet the following criteria:

- Employ systematic, empirical methods that draw on observation or experiment
- Involve rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions
- Rely on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations
- Be accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparatively rigorous, objective, and scientific review

**Semitic writing system:** a writing system where each symbol usually stands for a consonant sound and the reader must supply the appropriate vowel sound

Examples of Semitic languages are Hebrew and Arabic.

**Specially designed instruction:** defined under IDEA as “adapting . . . the content, methodology, or delivery of instruction” to a child eligible under IDEA. This instruction must address the unique needs of the child that result from the child’s disability and must ensure access to the general curriculum so that the child can meet the state’s educational standards (34 C.F.R. §300.39(b)(3))

**Specific developmental dyslexia:** another term for dyslexia

**Standard protocol dyslexia instruction:** dyslexia instruction typically provided in a small group setting and that follows an established format or delivery system

Standard protocol dyslexia instructional programs provide evidence-based, multisensory structured literacy instruction and must include the following components: phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency.

**Strategy-oriented instruction:** thoughtfully ordered step-by-step instruction in the strategies that students need to become independent readers, including strategies for decoding, encoding, word recognition, fluency, and comprehension

**Syllabic writing system:** writing systems in which each symbol represents a syllable

Examples of syllabic writing systems are Japanese kana, Korean, Hangul, and many of the Asian-Indian languages.

**Syntax:** the study of rules and patterns for the formation of grammatical sentences and phrases in a language

**Universal screening:** a step taken by school personnel to determine which students are at risk for not meeting grade-level standards

Universal screening can be accomplished by administering an academic screening to all students in a given grade level. Students whose scores fall below a certain cutoff point are identified as needing closer monitoring or intervention.

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# Appendix H: Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities

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[Reproduction and ordering information](#)

**U.S. Department of Education**

Arne Duncan  
Secretary

**Office for Civil Rights**

Russlynn Ali  
Assistant Secretary

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***September 2011***

More and more high school students with disabilities are planning to continue their education in postsecondary schools, including vocational and career schools, two- and four- year colleges, and universities. As a student with a disability, you need to be well informed about your rights and responsibilities as well as the responsibilities postsecondary schools have toward you. Being well informed will help ensure you have a full opportunity to enjoy the benefits of the postsecondary education experience without confusion or delay.



The information in this pamphlet, provided by the Office for Civil Rights (OCR) in the U. S. Department of Education, explains the rights and responsibilities of students with disabilities who are preparing to attend postsecondary schools. This pamphlet also explains the obligations of a postsecondary school to provide academic adjustments, including auxiliary aids and services, to ensure the school does not discriminate on the basis of disability.

OCR enforces Section 504 of the *Rehabilitation Act of 1973* (Section 504) and Title II of the *Americans with Disabilities Act of 1990* (Title II), which prohibit discrimination on the basis of disability. Practically every school district and postsecondary school in the United States is subject to one or both of these laws, which have similar requirements.[\\*/](#)

Although Section 504 and Title II apply to both school districts and postsecondary schools, the responsibilities of postsecondary schools differ significantly from those of school districts.

Moreover, you will have responsibilities as a postsecondary student that you do not have as a high school student. OCR strongly encourages you to know your responsibilities and those of postsecondary schools under Section 504 and Title II. Doing so will improve your opportunity to succeed as you enter postsecondary education.

The following questions and answers provide more specific information to help you succeed.

**As a student with a disability leaving high school and entering postsecondary education, will I see differences in my rights and how they are addressed?**

Yes. Section 504 and Title II protect elementary, secondary, and postsecondary students from discrimination. Nevertheless, several of the requirements that apply through high school are different from the requirements that apply beyond high school. For instance, Section 504 requires a school

district to provide a free appropriate public education (FAPE) to each child with a disability in the district's jurisdiction. Whatever the disability, a school district must identify an individual's educational needs and provide any regular or special education and related aids and services necessary to meet those needs as well as it is meeting the needs of students without disabilities.

Unlike your high school, however, your postsecondary school is not required to provide FAPE. Rather, your postsecondary school is required to provide appropriate academic adjustments as necessary to ensure that it does not discriminate on the basis of disability. In addition, if your postsecondary school provides housing to nondisabled students, it must provide comparable, convenient, and accessible housing to students with disabilities at the same cost.

Other important differences that you need to know, even before you arrive at your postsecondary school, are addressed in the remaining questions.

### **May a postsecondary school deny my admission because I have a disability?**

No. If you meet the essential requirements for admission, a postsecondary school may not deny your admission simply because you have a disability.

### **Do I have to inform a postsecondary school that I have a disability?**

No. But if you want the school to provide an academic adjustment, you must identify yourself as having a disability. Likewise, you should let the school know about your disability if you want to ensure that you are assigned to accessible facilities. In any event, your disclosure of a disability is always voluntary.

### **What academic adjustments must a postsecondary school provide?**

The appropriate academic adjustment must be determined based on your disability and individual needs. Academic adjustments may include auxiliary aids and services, as well as modifications to academic requirements as necessary to ensure equal educational opportunity. Examples of adjustments are: arranging for priority registration; reducing a course load; substituting one course for another; providing note takers, recording devices, sign language interpreters, extended time for testing, and, if telephones are provided in dorm rooms, a TTY in your dorm room; and equipping school computers with screen-reading, voice recognition, or other adaptive software or hardware.

In providing an academic adjustment, your postsecondary school is not required to lower or substantially modify essential requirements. For example, although your school may be required to provide extended testing time, it is not required to change the substantive content of the test. In addition, your postsecondary school does not have to make adjustments that would fundamentally alter the nature of a service, program, or activity, or that would result in an undue financial or administrative burden. Finally, your postsecondary school does not have to provide personal attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature, such as tutoring and typing.

### **If I want an academic adjustment, what must I do?**

You must inform the school that you have a disability and need an academic adjustment. Unlike your school district, your postsecondary school is not required to identify you as having a disability or to assess your needs.

Your postsecondary school may require you to follow reasonable procedures to request an academic adjustment. You are responsible for knowing and following those procedures. In their publications providing general information, postsecondary schools usually include information on the procedures and contacts for requesting an academic adjustment. Such publications include recruitment materials, catalogs, and student handbooks, and are often available on school websites. Many schools also have staff whose purpose is to assist students with disabilities. If you are unable to locate the procedures, ask a school official, such as an admissions officer or counselor.

### **When should I request an academic adjustment?**

Although you may request an academic adjustment from your postsecondary school at any time, you should request it as early as possible. Some academic adjustments may take more time to provide than others. You should follow your school's procedures to ensure that the school has enough time to review your request and provide an appropriate academic adjustment.

### **Do I have to prove that I have a disability to obtain an academic adjustment?**

Generally, yes. Your school will probably require you to provide documentation showing that you have a current disability and need an academic adjustment.

### **What documentation should I provide?**

Schools may set reasonable standards for documentation. Some schools require more documentation than others. They may require you to provide documentation prepared by an appropriate professional, such as a medical doctor, psychologist, or other qualified diagnostician. The required documentation may include one or more of the following: a diagnosis of your current disability, as well as supporting information, such as the date of the diagnosis, how that diagnosis was reached, and the credentials of the diagnosing professional; information on how your disability affects a major life activity; and information on how the disability affects your academic performance. The documentation should provide enough information for you and your school to decide what is an appropriate academic adjustment.

An individualized education program (IEP) or Section 504 plan, if you have one, may help identify services that have been effective for you. This is generally not sufficient documentation, however, because of the differences between postsecondary education and high school education. What you need to meet the new demands of postsecondary education may be different from what worked for you in high school. Also, in some cases, the nature of a disability may change.

If the documentation that you have does not meet the postsecondary school's requirements, a school official should tell you in a timely manner what additional documentation you need to provide. You may need a new evaluation in order to provide the required documentation.

### **Who has to pay for a new evaluation?**

Neither your high school nor your postsecondary school is required to conduct or pay for a new evaluation to document your disability and need for an academic adjustment. You may, therefore, have to pay or find funding to pay an appropriate professional for an evaluation. If you are eligible for services through your state vocational rehabilitation agency, you may qualify for an evaluation at no cost to you. You may locate your state vocational rehabilitation agency at <http://rsa.ed.gov> by clicking on "Info about RSA," then "People and Offices," and then "State Agencies/ Contacts."

### **Once the school has received the necessary documentation from me, what should I expect?**

To determine an appropriate academic adjustment, the school will review your request in light of the essential requirements for the relevant program. It is important to remember that the school is not required to lower or waive essential requirements. If you have requested a specific academic adjustment, the school may offer that academic adjustment, or it may offer an effective alternative. The school may also conduct its own evaluation of your disability and needs at its own expense.

You should expect your school to work with you in an interactive process to identify an appropriate academic adjustment. Unlike the experience you may have had in high school, however, do not expect your postsecondary school to invite your parents to participate in the process or to develop an IEP for you.

### **What if the academic adjustment we identified is not working?**

Let the school know as soon as you become aware that the results are not what you expected. It may be too late to correct the problem if you wait until the course or activity is completed. You and your school should work together to resolve the problem.

## **May a postsecondary school charge me for providing an academic adjustment?**

No. Nor may it charge students with disabilities more for participating in its programs or activities than it charges students who do not have disabilities.

## **What can I do if I believe the school is discriminating against me?**

Practically every postsecondary school must have a person—frequently called the Section 504 Coordinator, ADA Coordinator, or Disability Services Coordinator—who coordinates the school's compliance with Section 504, Title II, or both laws. You may contact that person for information about how to address your concerns.

The school must also have grievance procedures. These procedures are not the same as the due process procedures with which you may be familiar from high school. But the postsecondary school's grievance procedures must include steps to ensure that you may raise your concerns fully and fairly, and must provide for the prompt and equitable resolution of complaints.

School publications, such as student handbooks and catalogs, usually describe the steps that you must take to start the grievance process. Often, schools have both formal and informal processes. If you decide to use a grievance process, you should be prepared to present all the reasons that support your request.

If you are dissatisfied with the outcome of the school's grievance procedures or wish to pursue an alternative to using those procedures, you may file a complaint against the school with OCR or in a court. You may learn more about the OCR complaint process from the brochure *How to File a Discrimination Complaint with the Office for Civil Rights*, which you may obtain by contacting us at the addresses and phone numbers below, or at <http://www.ed.gov/ocr/docs/howto.html>.

If you would like more information about the responsibilities of postsecondary schools to students with disabilities, read the OCR brochure *Auxiliary Aids and Services for Postsecondary Students with Disabilities: Higher Education's Obligations Under Section 504 and Title II of the ADA*. You may obtain a copy by contacting us at the address and phone numbers below, or at <http://www.ed.gov/ocr/docs/auxaids.html>.

Students with disabilities who know their rights and responsibilities are much better equipped to succeed in postsecondary school. We encourage you to work with the staff at your school because they, too, want you to succeed. Seek the support of family, friends, and fellow students, including those with disabilities. Know your talents and capitalize on them, and believe in yourself as you embrace new challenges in your education.

## **To receive more information about the civil rights of students with disabilities in education institutions, you may contact us at:**

Customer Service Team  
Office for Civil Rights  
U.S. Department of Education  
Washington, D.C. 20202-1100

Phone: 1-800-421-3481  
TDD: 1- 877-521-2172  
Email: [ocr@ed.gov](mailto:ocr@ed.gov)  
Web site: [www.ed.gov/ocr](http://www.ed.gov/ocr)

You may be familiar with another federal law that applies to the education of students with disabilities—the Individuals with Disabilities Education Act (IDEA). That law is administered by the Office of Special Education Programs in the Office of Special Education and Rehabilitative Services in the U.S. Department of Education. The IDEA and its individualized education program (IEP) provisions do not apply to postsecondary schools. This pamphlet does not discuss the IDEA or state and local laws that may apply.



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This publication is also available on the Department's Web site at <http://www.ed.gov/ocr/transition.html>. Any updates to this publication will be available on this website.

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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

October 23, 2015

Dear Colleague:

Ensuring a high-quality education for children with specific learning disabilities is a critical responsibility for all of us. I write today to focus particularly on the unique educational needs of children with dyslexia, dyscalculia, and dysgraphia, which are conditions that could qualify a child as a child with a specific learning disability under the Individuals with Disabilities Education Act (IDEA). The Office of Special Education and Rehabilitation Services (OSERS) has received communications from stakeholders, including parents, advocacy groups, and national disability organizations, who believe that State and local educational agencies (SEAs and LEAs) are reluctant to reference or use dyslexia, dyscalculia, and dysgraphia in evaluations, eligibility determinations, or in developing the individualized education program (IEP) under the IDEA. The purpose of this letter is to clarify that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents.

Under the IDEA and its implementing regulations “specific learning disability” is defined, in part, as “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, *dyslexia*, and developmental aphasia.” See 20 U.S.C. §1401(30) and 34 CFR §300.8(c)(10) (emphasis added). While our implementing regulations contain a list of conditions under the definition “specific learning disability,” which includes dyslexia, the list is not exhaustive. However, regardless of whether a child has dyslexia or any other condition explicitly included in this definition of “specific learning disability,” or has a condition such as dyscalculia or dysgraphia not listed expressly in the definition, the LEA must conduct an evaluation in accordance with 34 CFR §§300.304-300.311 to determine whether that child meets the criteria for specific learning disability or any of the other disabilities listed in 34 CFR §300.8, which implements IDEA’s definition of “child with a disability.”

For those students who may need additional academic and behavioral supports to succeed in a general education environment, schools may choose to implement a multi-tiered system of supports (MTSS), such as response to intervention (RTI) or positive behavioral interventions and supports (PBIS). MTSS is a schoolwide approach that addresses the needs of all students, including struggling learners and students with disabilities, and integrates assessment and intervention within a multi-level instructional and behavioral system to maximize student achievement and reduce problem behaviors.

MTSS, which includes scientific, research-based interventions, also may be used to identify children suspected of having a specific learning disability. With a multi-tiered instructional

framework, schools identify students at risk for poor learning outcomes, including those who may have dyslexia, dyscalculia, or dysgraphia; monitor their progress; provide evidence-based interventions; and adjust the intensity and nature of those interventions depending on a student's responsiveness. Children who do not, or minimally, respond to interventions must be referred for an evaluation to determine if they are eligible for special education and related services (34 CFR §300.309(c)(1)); and those children who simply need intense short-term interventions may continue to receive those interventions. OSERS reminds SEAs and LEAs about previous guidance regarding the use of MTSS, including RTI, and timely evaluations,<sup>1</sup> specifically that a parent may request an initial evaluation at any time to determine if a child is a child with a disability under IDEA (34 CFR §300.301(b)), and the use of MTSS, such as RTI, may not be used to delay or deny a full and individual evaluation under 34 CFR §§300.304-300.311 of a child suspected of having a disability.

In determining whether a child has a disability under the IDEA, including a specific learning disability, and is eligible to receive special education and related services because of that disability, the LEA must conduct a comprehensive evaluation under §300.304, which requires the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child. This information, which includes information provided by the parent, may assist in determining: 1) whether the child is a child with a disability; and 2) the content of the child's IEP to enable the child to be involved in, and make progress in, the general education curriculum. 34 CFR §300.304(b)(1). Therefore, information about the child's learning difficulties, including the presenting difficulties related to reading, mathematics, or writing, is important in determining the nature and extent of the child's disability and educational needs. In addition, other criteria are applicable in determining whether a child has a specific learning disability. For example, the team determining eligibility considers whether the child is not achieving adequately for the child's age or to meet State-approved grade-level standards when provided with learning experiences and instruction appropriate for the child's age or the relevant State standards in areas related to reading, mathematics, and written expression. The team also must determine that the child's underachievement is not due to lack of appropriate instruction in reading or mathematics. 34 CFR §300.309(a)(1) and (b). Section 300.311 contains requirements for specific documentation of the child's eligibility determination as a child with a specific learning disability, and includes documentation of the information described above. Therefore, there could be situations where the child's parents and the team of qualified professionals responsible for determining whether the child has a specific learning disability would find it helpful to include information about the specific condition (e.g., dyslexia, dyscalculia, or dysgraphia) in documenting how that condition relates to the child's eligibility determination. 34 CFR §§300.306(a)(1), (c)(1) and 300.308.

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<sup>1</sup> See OSEP Memo 11-07 (January 21, 2011) available at: [www.ed.gov/policy/speced/guid/idea/memosdelttrs/osep11-07rtimemo.pdf](http://www.ed.gov/policy/speced/guid/idea/memosdelttrs/osep11-07rtimemo.pdf) Under 34 CFR §300.307(a)(2)-(3), as part of their criteria for determining whether a child has a specific learning disability, States must permit the use of a process based on the child's response to scientific, research-based intervention, and may permit the use of other alternative research-based procedures in making this determination.

Stakeholders also requested that SEAs and LEAs have policies in place that allow for the use of the terms dyslexia, dyscalculia, and dysgraphia on a child's IEP, if a child's comprehensive evaluation supports use of these terms. There is nothing in the IDEA or our implementing regulations that prohibits the inclusion of the condition that is the basis for the child's disability determination in the child's IEP. In addition, the IEP must address the child's needs resulting from the child's disability to enable the child to advance appropriately towards attaining his or her annual IEP goals and to enable the child to be involved in, and make progress in, the general education curriculum. 34 CFR §§300.320(a)(1), (2), and (4). Therefore, if a child's dyslexia, dyscalculia, or dysgraphia is the condition that forms the basis for the determination that a child has a specific learning disability, OSERS believes that there could be situations where an IEP Team could determine that personnel responsible for IEP implementation would need to know about the condition underlying the child's disability (e.g., that a child has a weakness in decoding skills as a result of the child's dyslexia). Under 34 CFR §300.323(d), a child's IEP must be accessible to the regular education teacher and any other school personnel responsible for its implementation, and these personnel must be informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. Therefore, OSERS reiterates that there is nothing in the IDEA or our implementing regulations that would prohibit IEP Teams from referencing or using dyslexia, dyscalculia, or dysgraphia in a child's IEP.

Stakeholders requested that OSERS provide SEAs and LEAs with a comprehensive guide to commonly used accommodations<sup>2</sup> in the classroom for students with specific learning disabilities, including dyslexia, dyscalculia, and dysgraphia. The IDEA does not dictate the services or accommodations to be provided to individual children based solely on the disability category in which the child has been classified, or the specific condition underlying the child's disability classification. The Office of Special Education Programs (OSEP) funds a large network of technical assistance centers that develop materials and resources to support States, school districts, schools, and teachers to improve the provision of services to children with disabilities, including materials on the use of accommodations. The U.S. Department of Education does not mandate the use of, or endorse the content of, these products, services, materials, and/or resources; however, States and LEAs may wish to seek assistance from entities such as the National Center on Intensive Intervention at: <http://www.intensiveintervention.org>, the Center for Parent Information and Resources available at: <http://www.parentcenterhub.org>, and the National Center on Accessible Educational Materials available at: <http://aem.cast.org/>. For a complete list of OSEP-funded technical assistance centers please see: <http://ccrs.osepideasthatwork.org/>.

In implementing the IDEA requirements discussed above, OSERS encourages SEAs and LEAs to consider situations where it would be appropriate to use the terms dyslexia, dyscalculia, or dysgraphia to describe and address the child's unique, identified needs through evaluation, eligibility, and IEP documents. OSERS further encourages States to review their policies,

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<sup>2</sup> Although the IDEA uses the term "accommodations" primarily in the assessment context, OSERS understands the request to refer to the various components of a free appropriate public education, including special education, related services, supplementary aids and services, and program modifications or supports for school personnel, as well as accommodations for students taking assessments.

procedures, and practices to ensure that they do not prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in evaluations, eligibility, and IEP documents. Finally, in ensuring the provision of free appropriate public education, OSERS encourages SEAs to remind their LEAs of the importance of addressing the unique educational needs of children with specific learning disabilities resulting from dyslexia, dyscalculia, and dysgraphia during IEP Team meetings and other meetings with parents under IDEA.

I hope this clarification is helpful to both parents and practitioners in ensuring a high-quality education for children with specific learning disabilities, including children with dyslexia, dyscalculia, and dysgraphia. If you have additional questions or comments, please email them to [sld@ed.gov](mailto:sld@ed.gov).

Sincerely,

/s/

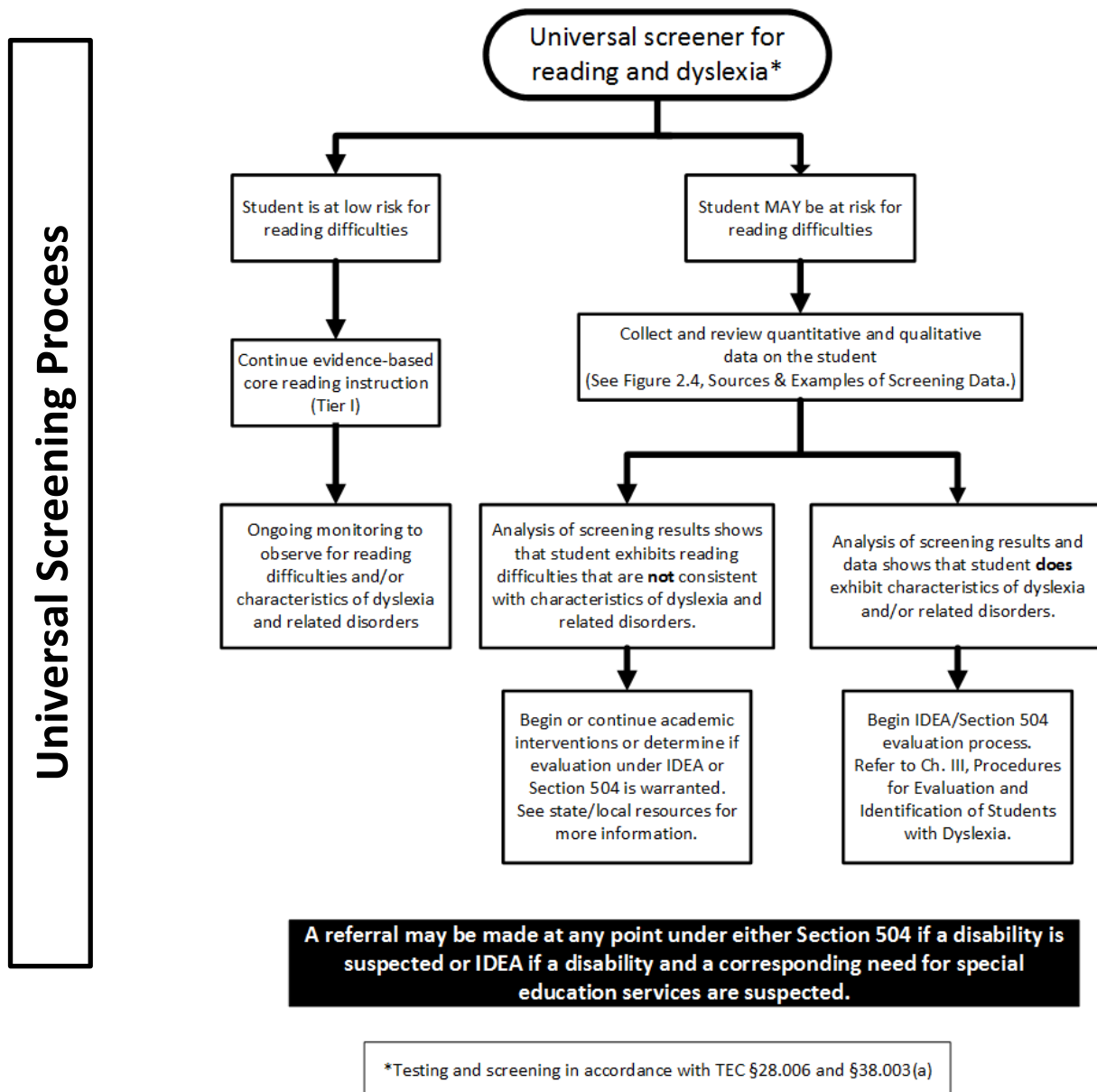
Michael K. Yudin



## Appendix J: Pathways for the Identification and Provision of Instruction for Students with Dyslexia

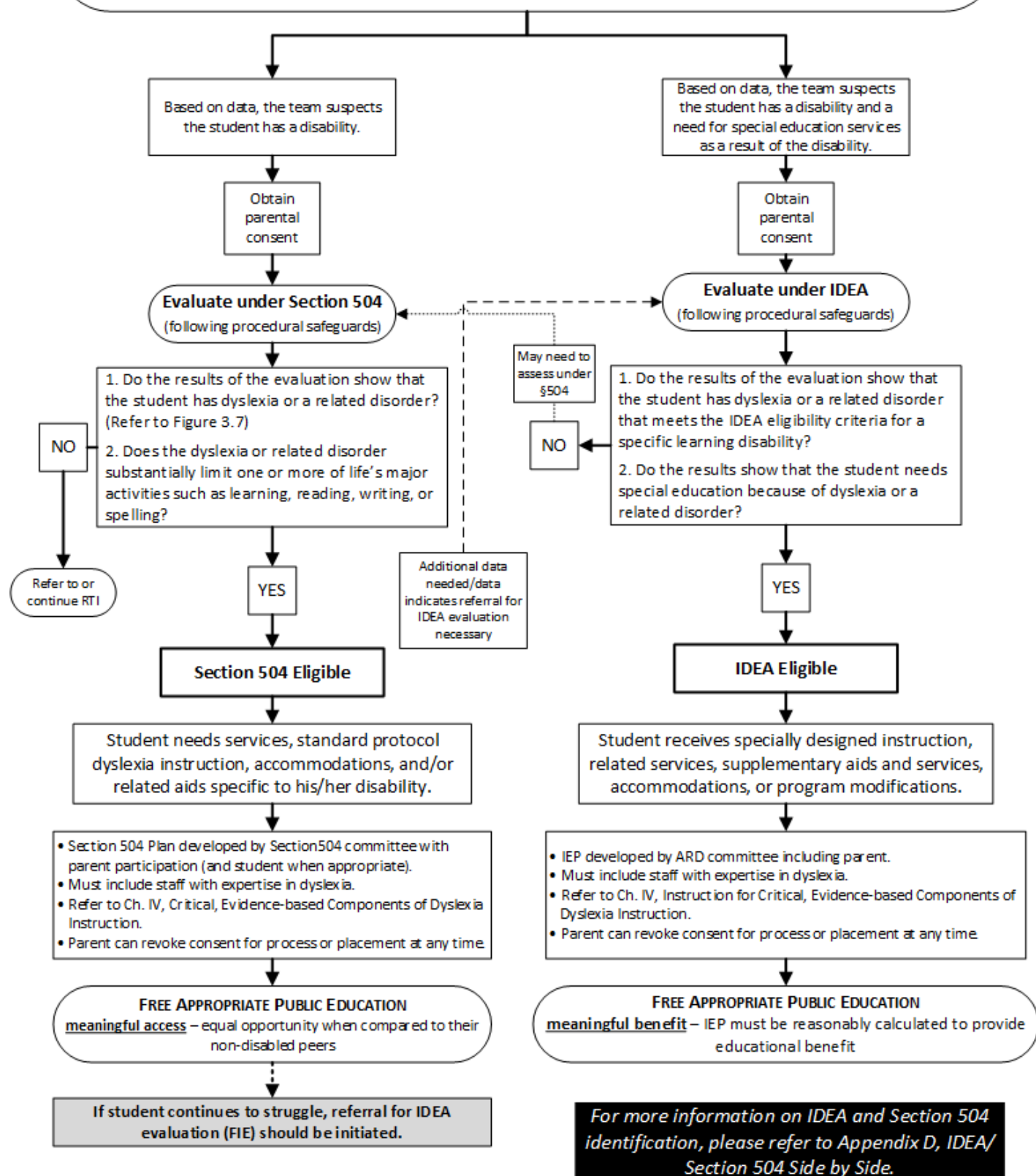
This flowchart illustrates a process for determining the instructional support needed by students with dyslexia. While the diagram begins with an initial screening, screening is NOT required to proceed through the evaluation and identification process. **A special education evaluation should be conducted whenever it appears to be appropriate, including upon request from the parent/guardian.** Some students will not proceed through all the steps before being referred for a full individual and initial evaluation (FIE) or Section 504 evaluation. A dyslexia evaluation may be incorporated into the FIE through special education.

At any time, regardless of the process in place, a student may be recommended for dyslexia evaluation as accumulated data support a student's continued struggles with one or more of the components of reading. **Parents/guardians have the right to request a referral for a dyslexia evaluation at any time.** Districts **must** ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of the screening or RTI processes.



## Pathways for the Identification and Provision of Instruction for Students with Dyslexia

A team of knowledgeable persons reviews data and existing information and determines an initial evaluation for dyslexia or related disorder should be conducted. The team determines the appropriate pathway for evaluation.  
Parent can request evaluation at any time.  
(See Fig. 3.2 and Fig. 3.3, Data Gathering)



## Appendix K: Addressing Concerns about Dyslexia Programs

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### *District Concerns*

Concerns about local school matters, such as the programs selected for use by a school or district, staffing decisions, or services offered to an individual student, should be raised with local district or school administration. Each district and charter school must have a local complaint process that may be used to address the concern. Questions about the local complaint process should be directed to the district or charter school. TEA's Office of General Inquiry can also provide information about the local complaint process. Please see the contact information at the end of this appendix.

### *Law and Rule*

In some circumstances, an individual may wish to file a complaint with TEA. TEA has jurisdiction to enforce the requirements of Titles 1 and 2 of the Texas Education Code and Title 19 Part 2 of the Texas Administrative Code as well as State Board for Educator Certification rules in Title 19 Part 7 of the Texas Administrative Code.

To file a formal complaint with TEA about school district or charter school actions, an individual must allege that a district or charter school has violated a law or rule in the administration of a program required or administered by the TEA or with respect to funds awarded or allocated by the agency. An individual wishing to file a complaint with TEA must submit their complaint in writing to the agency. The use of the TEA Complaint Form is the preferred method as it requests information necessary for TEA to conduct an adequate initial review of concerns to determine agency authority to take actions required to remediate or intervene through TEA's investigative process. Although TEA will accept a complaint in any written format, not providing the information that the form requests and/or failing to summarize the concerns may delay TEA's review.

### *Special Education and Section 504*

Complaints regarding the implementation of IDEA or Section 504 should not be submitted using the TEA Complaint Form. TEA offers the following processes for resolving disputes related to special education: individualized education program facilitation (FIEP), mediation, special education complaints, and due process hearings. For more information on these processes, please visit [https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Special\\_Education/Dispute\\_Resolution/Special\\_Education\\_Dispute\\_Resolution\\_Processes/](https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Dispute_Resolution/Special_Education_Dispute_Resolution_Processes/). Complaints regarding Section 504 should be filed with the U.S. Department of Education Office of Civil Rights (OCR). Complaints may be filed electronically by accessing OCR's online complaint form at <http://www.ed.gov/ocr/complaintprocess.html>. Complaints may also be submitted to OCR via mail at the address included with the contact information at the end of this appendix.

In some cases, TEA may determine that it does not have jurisdiction to investigate the allegations in a complaint. TEA's Complaints Management Division will, to the extent possible, identify other local, state, and/or federal agencies that may have authority to review the concerns of complainants where TEA lacks authority to investigate.

## QUESTIONS AND ANSWERS

### *What happens when I file a complaint with the Texas Education Agency (TEA)?*

TEA's initial process for complaint review is summarized as follows:

- Upon submission of a complaint form, assigned analysts acknowledge receipt of the complaint with an Acknowledgment Email (which complainants should receive within two business days of agency receipt of the complaint).
- The analysts make any required immediate referral to the Texas Department of Family and Protective Services (DFPS) or an internal investigation division required by the facts submitted in accordance with Complaint Management procedural guidelines.
- Based on the submitted complaint and all attached information, the analysts draft a memo that reviews TEA's authority to take action (identifying applicable state statute and rules) and proposes any recommended referrals or other actions. Each memo undergoes a thorough review and is approved by TEA's Office of Legal Services.
- When necessary based on the facts, the analyst may request that the LEA provide a response.
- (If applicable) Referral is made to an investigative division for review.
- The analysts will inform complainants of the outcome of TEA's review of agency authority through
  - a Status Letter (if the complaint is accepted by a TEA investigation division);
  - a Closure Letter (if TEA lacks authority to take an action or the applicable investigation division declines review); or
  - a Closure Memo (if the complaint is filed anonymously).

### *Who in TEA investigates complaints filed?*

The primary units that investigate alleged violation of law/rule through the complaints management process are:

- Special Investigations Unit
- Educator Investigation Unit
- Attendance Audits Unit
- Test Security Unit
- McKinney-Vento Liaison

Additionally, TEA's Special Populations department investigates alleged violations related to special education under the Individuals with Disabilities Education Act (IDEA). However, these complaints are not filed with TEA's Complaints Management Unit, but instead, the process is accessible at the following link: [Special Education Dispute Resolution Process]

[https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Special\\_Education/Dispute\\_Resolution/Special\\_Education\\_Dispute\\_Resolution\\_Processes/](https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Dispute_Resolution/Special_Education_Dispute_Resolution_Processes/).

### *May I file my complaint anonymously?*

Maybe, but it depends on the type of complaint you have. TEA does not accept anonymous complaints concerning: 1. educator misconduct or 2. special education violations under the Individuals with Disabilities Education Act. In all other circumstances, TEA will review anonymous complaints. However, to the extent TEA needs additional information from a complainant who filed an anonymous complaint, TEA may close the investigation on that basis. In all instances, TEA maintains the security of complainant information to the extent allowed under law.

## **CONTACT INFORMATION**

### ***Texas Education Agency (TEA)***

#### Office of General Inquiry

Phone: (512) 463-9290

Email: [generalinquiry@tea.texas.gov](mailto:generalinquiry@tea.texas.gov)

#### Complaints Management

Phone: (512) 463-3544

Fax: (512) 475-3665

Email: [ComplaintsManagement@tea.texas.gov](mailto:ComplaintsManagement@tea.texas.gov)

#### Special Education

Special Education Division

Phone: (512) 463-9414

Special Education Dispute Resolution Processes:

[https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Special\\_Education/Dispute\\_Resolution/Special\\_Education\\_Dispute\\_Resolution\\_Processes/](https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Dispute_Resolution/Special_Education_Dispute_Resolution_Processes/)

Special Education Complaints:

[https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Special\\_Education/Dispute\\_Resolution/Special\\_Education\\_Complaints\\_Process/](https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Dispute_Resolution/Special_Education_Complaints_Process/)

Special Education Dispute Resolution Handbook:

<https://tea.texas.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=25769820860&libID=25769820962>

### ***U.S. Department of Education, Office of Civil Rights (OCR)***

Mailing Address: U.S. Department of Education

Civil Rights Division

1999 Bryan Street, Suite 1620

Dallas, TX 75201-6801

(214) 661-9600

### ***Complaints Handled by other Agencies***

[https://tea.texas.gov/About\\_TE/Contact\\_Us/Complaints/Complaints\\_Addressed\\_by\\_Other\\_Agencies/](https://tea.texas.gov/About_TE/Contact_Us/Complaints/Complaints_Addressed_by_Other_Agencies/)



## Appendix L: History of Dyslexia Law

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The following History of Dyslexia Law is included in memory of Dr. Luke Waites, founding Medical Director of the Center for Dyslexia and Learning Disorders at the Texas Scottish Rite Hospital for Children.

# THE STORY OF THE TEXAS DYSLEXIA LAWS

*Tincy Miller*

## MY STORY BEGINS...

In 1958, my eldest son was born (the eldest of four). Thirteen years later, in 1971, he rebelled...thus began my journey, a journey that Robert Frost referred to in his famous poem, *The Road Not Taken* (last paragraph).

"I shall be telling this with a sigh  
Somewhere ages and ages hence:  
Two roads diverged in a wood, and I,  
I took the one less traveled by,  
And that has made all the difference."

Or, as the famous baseball player Yogi Berra said,  
"When you arrive at a fork in the road, take it."

In seeking answers to my son's problems, I found myself going back to academia.

By age 19, we discovered my son had an IQ of 145 with a form of dyslexia called dysgraphia. By then, my journey had taken me to Texas Scottish Rite Hospital for Children where I became an Academic Language Therapist, earning my Masters in Reading from Texas A&M Commerce. During the eight years I taught in the Reading Laboratory at TSRHC, at Highland Park Presbyterian Meditative School, as well as one-on-one teaching with children with dyslexia and related disorders, I became passionate about these precious children who traditionally fall through the cracks...just like my son.

**In 1983**, Texas passed a comprehensive reform in public education, requiring higher expectations of students and teachers. It became known as the famous "No Pass, No Play" law. The 1200 school districts were mandated to have students study and pass before they had the privilege of playing a sport such as football. Needless to say, the schools were pretty upset. There was a glaring omission...no safety net for the children I knew and taught...the very



ones who were traditionally forgotten in the public school system. Therefore, I made up my mind to try to find a way to help them.

As Joyce Pickering, Chairman Emeritus of the Shelton School in Dallas states, "These children are very gifted...they are the students who think out of the box, our future entrepreneurs."

**In 1984**, the Governor of Texas appointed me to serve for four years on the newly appointed State Board of Education (SBOE), which would become an elected board in 1989. **In January of 1985**, three bills on dyslexia came to my desk. I sent them over to Dr. Lucius Waites at TSRHC for his advice. He sent them back and said, "Go for it!"

The Texas Legislature meets every odd year from January to May... I only had 5 months to work on these bills. Thanks to my husband, Vance, who loaned me his lobbyist to teach me how to work the legislature, **we were able to facilitate the passage of two of the three bills. The original bill (HB 157 69<sup>th</sup> Legislature) defined dyslexia and related disorders mandating the screening and treatment by the local school districts.**

The second bill, later repealed, mandated continuing education for teachers on dyslexia and related disorders. The third bill that failed related to required college courses on dyslexia. The bills were authored by Senator Ted Lyon and Representative Bill Hammond.

An unhappy teacher called to tell me that when I left the SBOE the law would be repealed. Whereupon I told him I wasn't leaving...26 years later I still served as an elected member of the SBOE and made sure that the dyslexia law was implemented. **The following is the chronological order of its implementation.**

**December 1986:** The Texas Education Agency sent a letter to all school districts explaining that the law needed to be implemented at all grade levels (K-12).

**January 1987:** The State Board of Education approved the first procedures and guidelines.

**1987:** The 70<sup>th</sup> Legislature repealed the professional development law because it was connected to the career ladder and teachers did not want to be evaluated on this aspect.

**March 1990:** Special education teachers, who did not want the law, called for a public hearing on the law. Over 800 people, (parents, students, teachers and administrators), attended from 8:30 a.m. to 9:30 p.m., testifying two to one that, yes, the dyslexia law was needed, and rules were needed to implement the law because school districts were not implementing it. By the way, this was when there were no cell phones, computers, or faxes to get the word out...we did it the old fashioned way, writing letters and making phone calls to our friends. This was truly democracy in action; the grassroots can make a difference.

**In 1991:** The 72<sup>nd</sup> Legislature passed HB 1314; accommodations for the students with dyslexia were allowed.

**In 1992: The First Dyslexia Handbook** was approved by SBOE and published by TEA, containing an overview of state and federal requirements including a question and answer section.

**1993-1994: The First State Coordinator position was created in Region Service Center 10** with the approval of then Commissioner Skip Meno. The first state coordinator was Jo Polk, followed by Cindy Hipes, Helen Macik and then Brenda Taylor. SB 7 was passed requiring accommodations for testing dyslexic students.

**1995-1997: Important years for Texas.** George W. Bush was elected as Governor of Texas and took on reading by funding his reading initiative with \$80 million. This law became known as "No Child Left Behind," stating that all children would read by 3<sup>rd</sup> grade. During this time, because it had been ten years since the education code was written, the legislature mandated the entire education code be rewritten for public schools. Realizing our dyslexia law could be lost, I made a very important call to the author, former Senator Ted Lyon, asking for his help in getting the dyslexia law rolled over into the new education law. Thanks to his friendship and support, former Senator Ted Lyon was able to get this done.

During these two years (1995-1997), our SBOE was in charge of updating all state curriculums (K-12). Thanks to my good reading-teacher friends, who helped me find the best qualified teachers to serve on the committee to rewrite and update the reading curriculum (K-12), the result was, historically, the passage of the first phonics-based reading curriculum for Texas. Ten years later, in 2009, we were again able to update the 1997 reading curriculum with a stronger, explicit, scientifically researched phonics-based curriculum. The reading textbooks produced in 2010-2011 are now adopted. Part of the \$80 million covered Summer Reading Academies and Dyslexia Academies for teachers K-3<sup>rd</sup> grade (until the money ran out).

Proving phonics works, in 2003, 98% of all third graders passed the State TAKS Reading Test. Since our dyslexia students need phonics, the newly updated research-based phonics curriculum in Texas reinforced their learning to read, write and spell.

**1997:** The legislature passed the Students Success Initiative (Funding) and reading diagnosis for early identification of reading difficulties, such as dyslexia and related disorders (TEC 28.006). Informal screening was developed for the early identification.

**Also, Commissioner Mike Moses approved \$300,000 for dyslexia coordinators in all 20 Region Service Centers.**

**1998:** The Dyslexia Handbook was updated.

**2001:** Another update to the Dyslexia Procedures and Handbook was effected.

**2003:** TEC 7.028 (b) Limitation on Compliance Monitoring was passed.

**2004:** As a result of a longitudinal study by TEA, **bundling accommodations for assessments were implemented.**

The purpose was to be able to test our students with dyslexia using three bundled accommodations without invalidating the state test.

The accommodations were as follows:

- (1) oral reading proper nouns,
- (2) oral reading of questions and answers on multiple choice,
- (3) extended time over two days.

Results went from 9% to 41% success for elementary through middle school students. (Longitudinal study continues with high school students.)

**2007 and 2010:** Our Dyslexia Handbook was revised to include the current research of the experts in the field of dyslexia, with pages to support early intervention and quality training of teachers, equipping them with the skills to prevent reading failure by 95%. The new licensure law passed, (on the third try after attempts in '05 and '07), in the **2009 81<sup>st</sup> Legislature (effective September 1, 2010).**

In closing, I am reminded of the words of Emerson:

"Do not go where the path may lead. Go where there is no path and leave a trail." This has been an incredible journey of how one very important law to keep our students with dyslexia from falling through the cracks of public education was implemented...and I am so glad I took that path or fork in the road...for it truly has made all the difference.

## COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

- 1) Acceptance policies on student transfers from other school districts
- 2) Operation of school bus routes or runs on a non-segregated basis
- 3) Nondiscrimination in extracurricular activities and the use of school facilities
- 4) Nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children
- 5) Enrollment and assignment of students without discrimination on the basis of race, color, or national origin
- 6) Nondiscriminatory practices relating to the use of a student's first language
- 7) Evidence of published procedures for hearing complaints and grievances

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964; EXECUTIVE ORDERS 11246 AND 11375; TITLE IX, 1973 EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING.

THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; AND VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED IN 1974.

**It is the policy of the Texas Education Agency to comply fully with the nondiscrimination provisions of all federal and state laws and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any programs or activities, which it operates on the grounds of race, religion, color, national origin, sex, handicap, age, or veteran status (except where age, sex, or handicap constitute a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency makes positive efforts to employ and advance in employment all protected groups.**

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