

**GLADEWATER
INDEPENDENT SCHOOL DISTRICT**



**DISTRICT DYSLEXIA PROGRAM
PROCEDURES**

Updated November 2019

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DYSLEXIA PROGRAM GOALS

Gladewater Independent School strives to have an exemplary dyslexia program for students enrolled in grades K – 12. Through a responsiveness to intervention process, Gladewater ISD monitors students on a regular basis utilizing formal and informal observations, student data and other assessments including but not limited to the TPRI, benchmarks, etc., and/or written evidence of curriculum-based monitoring (CBM).

Pursuant to the TEA's *The Dyslexia Handbook, 2018 Update*, students being referred for consideration of dyslexia should have demonstrated age appropriate developmental progress and have received appropriate instruction in reading, including but not limited to accelerated reading programs as required by the state. Schools **must** recommend evaluation for dyslexia if the student demonstrates poor performance in one or more areas of reading and spelling that is unexpected for the student's age/grade and if the student exhibits the characteristics and risk factors of dyslexia as outlined in Ch. 1 of *The Dyslexia Handbook, 2018 Update*. All students in kindergarten and 1st grade are specifically screened for dyslexia at the end of the school year pursuant to the TEC §38.003(a). Progression through RtI is **not** required in order to begin the identification of dyslexia. **Parents/guardians always have the right to request a referral for a dyslexia evaluation at any time.**

Gladewater ISD is committed to the development and implementation of a dyslexia program that addresses both the Texas Education Code at §38.003 and the Texas Administrative Code at §74.28.

Addressing Gladewater ISD's commitment, the following reflect the goals of the district dyslexia program:

- Screen, refer and evaluate students in K – 12 who may be at-risk of dyslexia and related disorders;
- Provide instructional treatment options for students identified with dyslexia and related disorders;
- Provide staff development that includes:
 - Understanding the characteristics of dyslexia;
 - Evaluation process for the identification of dyslexia;
 - Instruction of students with dyslexia; and
 - Intervention strategies and accommodations.
- Provide a parent education program pursuant to 19 TAC §74.28(k) that includes:
 - Awareness and characteristics of dyslexia and related disorders;
 - Information on testing and diagnosis of dyslexia and related disorders;
 - Information on effective strategies for teaching students with dyslexia and related disorders;
 - Information on qualifications of those delivering services to students with dyslexia and related disorders;
 - Awareness of information on accommodations and modifications, including those allowed for standardized testing;

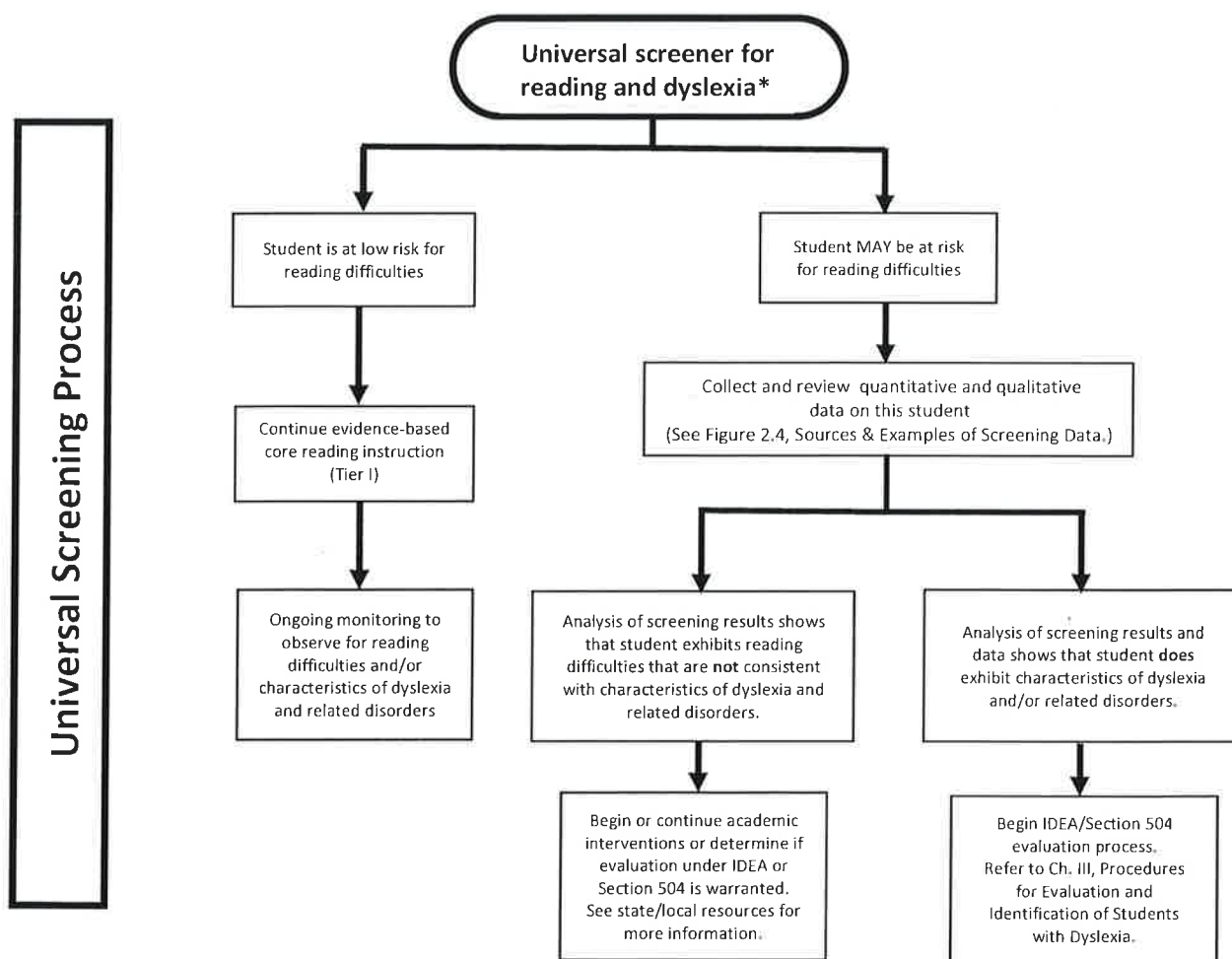
- Information on eligibility, evaluation requests, and services available under IDEA, the Rehabilitation Act of 1973, Section 504, and information on the RtI process;
- Contact information for the relevant regional and/or school district specialist.
- Provide parents with additional information on the following:
 - Copy of or a link to ***The Dyslexia Handbook, 2018 Update***;
 - Information of effective strategies and options for parents to use at home to effectively communicate and help their child with dyslexia and related disorders; and
 - Information on accommodations allowed for post-secondary testing (PSAT/ACT/SAT).

Objective: All campuses, through an individualized referral process, will identify students with dyslexia and related disorders and provide appropriate, individualized services based on the results of an comprehensive evaluation conducted according to the guidelines outlined in TEA's ***The Dyslexia Handbook, 2018 Update***, and according to state and federal laws implementing Section 504 and/or the Individuals with Disabilities Education Act (IDEA).

PATHWAYS FOR THE IDENTIFICATION AND PROVISION OF INSTRUCTION FOR STUDENTS WITH DYSLLEXIA

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 process.



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.

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.
The parent can request evaluation at any time.
(See Fig. 3.2 and Fig. 3.3, Data Gathering)

Based on data, the team suspects the student has a disability.

Obtain parental consent

Evaluate under Section 504
(following procedural safeguards)

1. Do the results of the evaluation show that the student has dyslexia or a related disorder? (Refer to Figure 3.7)
2. Does the dyslexia or related disorder substantially limit one or more of life's major activities such as learning, reading, writing, or spelling?

NO

Refer to or continue RTI

YES

AND

Additional data needed/data indicate a referral for IDEA evaluation necessary

Section 504 Eligible

Student needs services, standard protocol dyslexia instruction, accommodations, and/or related aids specific to his/her disability.

- Section 504 Plan developed by Section 504 committee with parent participation (and student when appropriate).
- Must include staff with expertise in dyslexia.
- Refer to Ch. IV, Critical, Evidence-based Components of Dyslexia Instruction
- Parent can revoke consent for process or placement at any time.

FREE APPROPRIATE PUBLIC EDUCATION
meaningful access – equal opportunity when compared to their non-disabled peers

If student continues to struggle, referral for IDEA evaluation (FIE) should be initiated.

Based on data, the team suspects the student has a disability and a need for special education services as a result of the disability.

Obtain parental consent

Evaluate under IDEA
(following procedural safeguards)

1. Do the results of the evaluation show that the student has dyslexia or a related disorder that meets the IDEA eligibility criteria for a specific learning disability?
2. Do the results show that the student needs special education because of dyslexia or a related disorder?

NO

May need to assess under §504

YES

IDEA Eligible

Student receives specially designed instruction, related services, supplementary aids and services, accommodations, or program modifications.

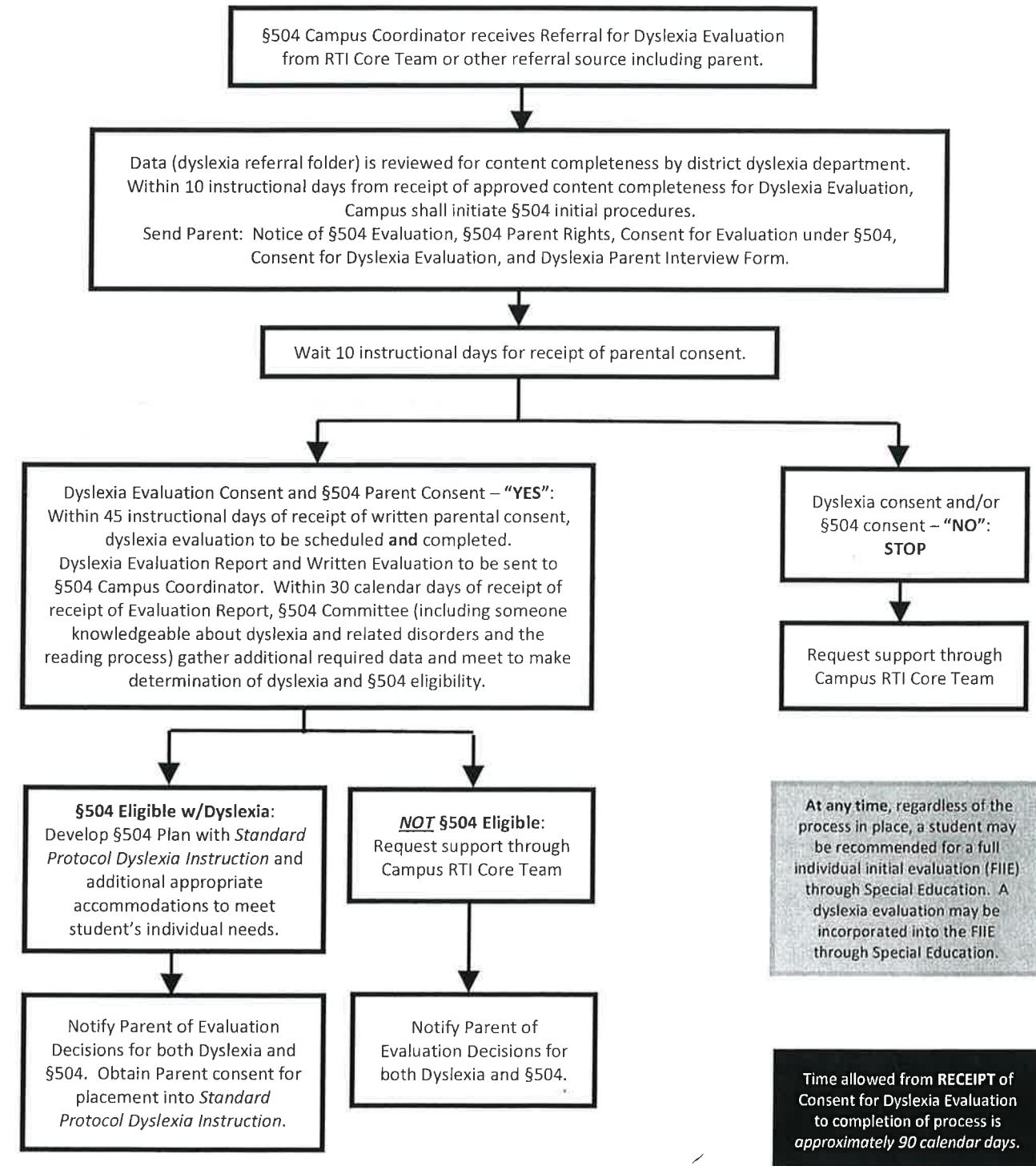
- IEP developed by ARD committee including parent.
- Must include staff with expertise in dyslexia.
- Refer to Ch. IV, Critical, Evidence-based Components of Dyslexia Instruction
- Parent can revoke consent for process or placement at any time.

FREE APPROPRIATE PUBLIC EDUCATION
meaningful benefit – IEP must be reasonably calculated to provide educational benefit

For more information on IDEA and Section 504 identification, please refer to Appendix D, IDEA/Section 504 Side by Side.

GLADEWATER INDEPENDENT SCHOOL DISTRICT

**DISTRICT TIMELINE FLOWCHART
COORDINATION WITH SECTION 504 PROCEDURES**



GLADEWATER INDEPENDENT SCHOOL DISTRICT

SCREENING

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.”

Dyslexia Screening

Universal Screening

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.

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 from *The Dyslexia Handbook, 2018 Update* below:

Figure 2.1 Considerations for Local Scheduling of Dyslexia Screening

- Has adequate time for instruction been provided during the school year?
- Has adequate time been provided to compile data prior to the end of the school year?
- How will the timing of the administration of the screener fit in with the timing of other required assessments?
- 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?
- Has adequate time been provided for educators to offer appropriate interventions to the student?
- 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)

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 *The Dyslexia Handbook, 2018 Update* (§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. **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 can 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 Dyslexia Handbook* update it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other identified related disorders. For more information on dysgraphia, refer to Chapter V: Dysgraphia in *The Dyslexia Handbook, 2018 Update*.

Local District Requirements

Each district may have additional policies and procedures in place regarding screening and evaluating student for dyslexia and related disorders. This handbook reflects the procedures used in GISD for the screening, evaluation and identification of students with dyslexia and related disorders.

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 school 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 campus or district 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 Comparison provided in Appendix D of *The Dyslexia Handbook, 2018 Update*.

Kindergarten-Grade 1 Universal Screening: Administration

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 *The Dyslexia Handbook*, November 2018, 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 in Figure 2.2 from *The Dyslexia Handbook, 2018 Update* 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 sizeable 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.

Screener 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 from *The Dyslexia Handbook, 2018 Update*.

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

While the selected screening instrument will be expected 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 from *The Dyslexia Handbook, 2018 Update*.

Figure 2.3 Student Behaviors Observed During Screening
<ul style="list-style-type: none">• Lack of automaticity• Difficulty sounding out words left to right• Guessing• Self-correcting• Inability to focus on reading• Avoidance behavior

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 indicator/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 skill noted above. 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 current certifications for Kindergarten and grade1, see the State for Educator Certification Teacher Assignment Chart at 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 of *The Dyslexia Handbook, 2018 Update*.

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 of *The Dyslexia Handbook, 2018 Update*, 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 instrument.

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 while students scoring well above the cut point have lower 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 of *The Dyslexia Handbook, 2018 Update*. **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 will be 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 from *The Dyslexia Handbook, 2018 Update*.

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

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. Teacher 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. Refer to Progress Monitoring for additional information.

Screening data should always be shared with parents. Screening data should also be used by teachers and school 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 LPAC (as appropriate), and an administrator. If the process of identification is initiated under IDEA, the **must** also include the parent and all IDEA procedures **must** be followed.

The Universal Screening and Data Review for Reading Risk flowchart found in Figure 2.5 of *The Dyslexia Handbook, 2018 Update* on page 17 provides information regarding the decisions 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.

Best Practices in 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. Awareness of this developmental pattern is critically important for the diagnosis in older children, young adults, and beyond. According to Sally Shaywitz, 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 fall to notice either giftedness or dyslexia in a student as the dyslexia may mask giftedness or the giftedness may mask the 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 twice-exceptional students, see Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction in *The Dyslexia Handbook, 2018 Update*.

For a description of common risk factors of dyslexia that may be seen in older students refer to Chapter I: Definitions & Characteristics of Dyslexia in *The Dyslexia Handbook, 2018 Update*.

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 district **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.**

Resource: *The Dyslexia Handbook, 2018 Update, Procedures Concerning Dyslexia and Related Disorders*, Texas Education Agency, November 2018.

GISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, or genetic information in employment or provision of services, programs, or activities.

PROCEDURES FOR THE EVALUATION AND IDENTIFICATION OF STUDENTS WITH DYSLLEXIA

For the identification of dyslexia in Texas public schools, all procedures and guidelines outlined in *The Dyslexia Handbook, 2018 Update* must be followed, including data gathering, initial evaluation pathways, notification and permission, tests and other evaluation materials, examiner qualifications, and procedures for English Learners.

Procedures Required by State and Federal Law Prior to Formal Evaluation

In accordance with TEC §28.006, Gladewater ISD administers early reading instruments in kindergarten, first, and second grades to determine students' reading development and comprehension. If, on the basis of the reading instrument results, students are determined to be at-risk for dyslexia and other reading difficulties, the students' parents/guardians are notified. Pursuant to TEC §38.003(a), all students in kindergarten and first grade are also specifically screened for dyslexia at the end of the school year. In addition, an accelerated (intensive) scientifically, research-based reading program that appropriately addresses students' reading difficulties and enables them to "catch up" with their typically performing peers is implemented. Interventions are provided through the district's response to intervention process; however, **progression through a response to intervention process is not required in order to begin the identification of dyslexia.** Should students continue to struggle with reading, writing, and/or spelling during the intensive reading instruction, then Gladewater ISD will initiate procedures to recommend these students for evaluation for dyslexia. The information from the early reading instruments will be one source of information in deciding whether or not to recommend a student for evaluation for dyslexia. Other data to be considered may include but is not limited to: performance on state mandated test(s), a student's grades/performance in reading and/or written spelling, and teachers' observations of the characteristics of dyslexia, attendance, frequent moves, and/or other available information. **Parents/guardians always have the right to request a referral for a dyslexia evaluation at any time.**

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 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, administrator, dyslexia specialist, and/or interventionist. This team may also include the parents and/or a diagnostician familiar with testing and interpreting evaluation results. This team may have a different name 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. In Gladewater, this team is called . 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 *The Dyslexia Handbook, 2018 Update*. 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 specially designed instruction. Rather, it is programmatic instruction delivered to a group of students. Refer to Chapter IV of *The Dyslexia Handbook, 2018 Update* 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)(i-ii)). 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 that student.

When the Data Lead to a Suspicion of Dyslexia of 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, they 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 of *The Dyslexia Handbook, 2018 Update*) 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, they 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 (in Gladewater ISD the program implemented is MTA) and accommodations under Section 504.

Dyslexia Referral Timelines

When a referral for a dyslexia evaluation is made under IDEA, Texas state law establishes that a full individual and initial evaluation (FIIIE) 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 Office for Civil Rights (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.

It is important to note that **progression through a response to intervention process 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 student 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 the 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 Chapter 3 of *The Dyslexia Handbook, 2018 Update*. 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. 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 Side-by-Side Comparison in *The Dyslexia Handbook, 2018 Update*.

Procedures for Evaluation

The identification of reading disabilities, including dyslexia, will follow one of two procedures. School districts and charter schools must 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 (pg. 35 of *The Dyslexia Handbook, 2018 Update* or on **page 2-2 of this district guideline**) illustrates the process for determining the appropriate supports needed by students with dyslexia.

Pursuant to TEC §38.003(a), 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 (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 applicable, 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.

Pursuant to federal and state guidelines, in Gladewater ISD students are recommended for 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 from *The Dyslexia Handbook, 2018 Update*.

The first step in the evaluation process, *data gathering*, is an integral part of the district's process for all student's exhibiting learning difficulties.

1. Data Gathering

Gladewater ISD collects 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 the Every Student Succeeds Act (ESSA) as explicit, systematic, and intentional instruction in the following:

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

Any time from kindergarten through grade 12 a student continues to struggle with one or more components of reading, the school **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 from *The Dyslexia Handbook, 2018 Update* and shown 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 demonstrate 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. These cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure 3.2 from *The Dyslexia Handbook, 2018 Update*.

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

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. These 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, 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 the student's 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 from *The Dyslexia Handbook, 2018 Update*:

Figure 3.3 Additional Data Sources for English Learners

- Home Language Survey
- Assessment related to identification for limited English proficiency (oral language proficiency test and norm-referenced tests – all years available)
- Texas English Language Proficiency Assessment System (TELPAS) information for four language domains (listening, speaking, reading, and writing)
- Instructional interventions provided to address language needs
- Information regarding previous schooling inside and/or outside the United States
- Type of language program model provided and language of instruction

2. Initial Evaluation Pathway

Gladewater ISD **must** make data-informed decisions that reflect the input of staff and parents for every student on an individual basis, every time. Our district **must** consider all resources and services based on student need. Gladewater ISD must 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 individualized education program (IEP) and who are now suspected of having dyslexia or a related disorder must undergo 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 that indicates dyslexia. Information collected from the parents/guardians also provides valuable insight into the student's early years of language development. This history may help 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 Comparison in *The Dyslexia Handbook, 2018 Update*, 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* which are available at your child's campus.

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:

- Used for the purpose for which the evaluation or measures are valid or reliable
- Include material(s) tailored to assess specific areas of educational need and not merely material(s) that are designed to provide a single, general intelligence quotient
- 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
- 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)
- Administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials
- 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

A professional involved in the evaluation, interpretation of evaluation results, and identification of ELs with dyslexia must 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 languages
- Knowledge of how to interpret results from a cross-linguistic perspective
- Knowledge of how to interpret TELPAS (Texas English Language Proficiency Assessment System) results
- 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, 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 from *The Dyslexia Handbook, 2018 Update*:

Figure 3.4 Areas for Evaluation		
<u>Academic Skills</u>	<u>Cognitive Processes</u>	<u>Possible Additional Areas</u>
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Phonological/phonemic awareness • Rapid naming of symbols or objects 	<ul style="list-style-type: none"> • Vocabulary • Listening comprehension • Verbal expression • Written expression • Handwriting • Memory for letter or symbol sequences (orthographic processing) • Mathematical calculation/reasoning • Phonological memory • Verbal working memory • Processing

Procedures for Identification

While each law has specific requirements regarding the identification of dyslexia, decisions **must** be made by either a Section 504 committee under Section 504 or an ARD committee under IDEA. In order to make an informed determination, each 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 **must** have knowledge regarding:

- The reading process,
- Dyslexia and related disorders,
- Dyslexia instruction, and
- 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,*

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 must be included in the Section 504 or ARD committee. The list of questions in Figure 3.7 below from *The Dyslexia Handbook, 2018 Update*, **must** be considered when making a determination regarding dyslexia.

Figure 3.7 Questions to Determine the Identification of Dyslexia

- Do the data show the following characteristics of dyslexia?
 - Difficulty with accurate and/or fluent word reading
 - Poor spelling skills
 - Poor decoding ability
- 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.)
- Are these difficulties unexpected for the student's age in relation to the student's other cognitive abilities and provision of effective classroom instruction?

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 from *The Dyslexia Handbook, 2018 Update*. 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 §89.011(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 IEP documents. For more information, please visit:

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

A 2018 *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%20TEA/News%20and%20Multimedia/Correspondence/TAA%20Letters/Provision%20of%20Services%20for%20Students%20with%20Dyslexia%20and%20Related%20Disorders%20-%20Revised%20June%206,%202018/)

In IDEA, dyslexia is considered one of a variety of etiological foundations for specific learning disability (SLD). 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 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 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 from *The Dyslexia Handbook, 2018 Update*. If a student has previously met special education eligibility and is later identified with dyslexia, the ARD committee should include in the IEP goals that reflect the need for dyslexia instruction 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 Pathways flowchart (found in Figure 3.8 on pg. 35 of *The Dyslexia Handbook, 2018 Update* and also found on **page 2-2 of this District Guideline**) illustrates a process for determining the instructional support needed by students with dyslexia. While the process may begin 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 FIIE or Section 504 evaluation. A dyslexia evaluation may be incorporated into the FIIE 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.** Gladewater ISD ensures that evaluations of children suspected of having a disability are **not** delayed or denied because of implementation of the screening or RtI processes.

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/DyslexiaBasicREVMay2012.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 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 section (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/EDhtm/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.

INSTRUCTION FOR STUDENTS WITH DYSLLEXIA

Once it has been determined that a student has dyslexia, Gladewater ISD will provide an appropriate instructional program for the student as required in TEC §38.003.

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.

Texas Education Code §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." SBOE rules in 19 TAC §74.28 require that each school must provide an identified student access at his/her campus to an instructional program that meets the requirements in SBOE rule 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 and 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 Ch. IV: Critical, Evidence-Based Components of Dyslexia Instruction, *The Dyslexia Handbook, 2018 Update*, 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 Ch. IV of *The Dyslexia Handbook, 2018 Update*. 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 critical, evidence-based components of dyslexia instruction, 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 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. 70).

- **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.

Teachers of students with dyslexia in Gladewater ISD shall be prepared to utilize these techniques and strategies. These teachers may also serve as trainers and consultants in the area of dyslexia and related disorders to regular, remedial, and/or special education teachers **so long as such duties do not prevent the provision of a free appropriate public education (FAPE) in accordance with the student’s Section 504 plan or special education IEP. All plans, whether Section 504 or IDEA, must be implemented as written meeting fidelity standards for the teacher. “The delivery of a dyslexia program must be in accordance with the way the program was designed to be delivered. Therefore, when a district 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).”** (The Dyslexia Handbook, 2018 Update, Question #51, p. 89). **Dyslexia programs supplement a student’s ELA program – it does NOT replace it. The dyslexia program may not be delivered to a student during the time that student’s core curriculum subjects are being provided. Any and all dyslexia services specified in the student’s written plan shall be made up with the exception of absences due to student illness or school cancellation. Teacher absences due to illness, meetings and/or trainings shall require said services for student to be scheduled for makeup. This is an issue of FAPE!**

Resource: *The Dyslexia Handbook, 2018 Update, Procedures Concerning Dyslexia and Related Disorders*, Texas Education Agency, November 2018.

GISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, or genetic information in employment or provision of services, programs, or activities.

GUIDELINES FOR TRANSITIONING ENGLISH LEARNERS IN THE DYSPLEXIA PROGRAM

Dyslexia is a language-based learning difference that stems from the inability to fluently unlock the sounds of the written symbols of a language. All languages can be categorized in reference to its orthographic component. Some languages, which are considered to have “transparent orthographies,” have almost a perfect one-to-one sound to symbol correlation. Other languages, which are considered to have “opaque orthographies,” can have multiple sounds to symbol correlations. The Spanish language is considered to be very transparent. This means that once the student can associate the sound to each symbol (letter of the alphabet), the **process** of decoding words is mastered quickly. The English language is considered to be opaque because the 26 letters of the English alphabet can produce 44 different sounds. The consonant sounds are usually consistent, but the vowel sounds change depending on the vowel’s position in the word and/or what letter(s) proceeds and/or follows. Just as languages can differ in the complexity of its orthographic component, so does the identification of dyslexia in English Learners (ELs).

Due to the transparent orthography of the Spanish language, Spanish readers will usually be successful with grade-level language/reading tasks. While decoding, word recognition, accuracy, and spelling are important dyslexia indicators in the English orthography, in more transparent orthographies, such as Spanish, it has less influence. The inability to perform language tasks with automaticity appears to be the more decisive characteristic in the identification process of dyslexia in a language as phonetic as Spanish.

Dyslexia, as defined by both the Texas Education Code and the International Dyslexia Association, is neurobiological in nature. This means that the individual is born with it. Therefore, it stands to reason that once an individual is identified with dyslexia, he/she will require continued support, regardless of the language of instruction. The Bilingual Time and Treatment Guidelines in the regular education setting is crucial for all ELs, but especially so for students who are exhibiting characteristics of dyslexia in their native language. A hasty transition into the English reading curriculum may compound the reading difficulties. A student who has been evaluated in Spanish and identified with dyslexia must attend Spanish dyslexia services. In order to gain benefit from the Spanish dyslexia intervention services, the student should also be receiving Spanish reading instruction in the regular education bilingual classroom. The Spanish dyslexia intervention program extends over a two-year period and to remove the student prematurely would compromise the fidelity of the program. The campus LPAC should be cautious when considering changes to the bilingual category of a student who has been identified with dyslexia and is attending the Spanish dyslexia intervention program. **When the LPAC has determined that the transition period is appropriate for these students, it is recommended that the *Esperanza Transitional Lessons* be implemented in the dyslexia program before initiating the standard protocol dyslexia intervention program curriculum.** Since the student must exhibit average to high average English listening comprehension skills, this measure ensures that the dyslexia English curriculum does not become an ESL program.

For ELs who were **not** considered for dyslexia evaluation when they were receiving Spanish reading instruction, it is critical that when they transition into English reading that we do not confuse English learners with students who are dyslexic. They may have some of the same characteristics of dyslexia

GLADEWATER INDEPENDENT SCHOOL DISTRICT

DISTRICT PROCEDURES FOR STUDENTS PRESENTING OUTSIDE INDEPENDENT EVALUATIONS FOR DYSLEXIA SERVICES

For students whose parents present evidence of outside independent evaluations addressing dyslexia, the following must be considered:

The outside independent evaluation must:

- Have been administered by an individual certified to conduct an educational evaluation and knowledgeable about dyslexia;
- Be considered valid and comparable to the evaluation standards that Gladewater ISD would conduct; and
- Comply with the requirements set forth in Section 504 and/or the IDEA and the requirements specified in TEA's *The Dyslexia Handbook, 2018 Update*.

Additionally, Section 504 and IDEA regulations as well as TEA requirements as outlined in *The Dyslexia Handbook, 2018 Update* have identified certain expectations in regard to the referral process for a dyslexia evaluation and/or eligibility. An outside independent evaluation is considered a single source of data. Section 504 and/or the IDEA both require that data must be provided from a variety of sources in determining a child's eligibility for services. Case law allows the District to maintain the right to conduct their own evaluation.

In addition to the outside independent evaluation, data that must be submitted for review before a decision can be rendered concerning the validity of an outside independent evaluation by the District evaluator includes the following:

- The student has **passed** the hearing screening. This screening **must** be current, and the student must be able to hear, and process sounds normally. *"Students must possess the ability to distinguish the difference between sounds – the sounds of language (phonemes) and the sounds of noise – and the ability of the phonologic module to distinguish speech from non-speech words."* (*Overcoming Dyslexia*, Sally Shaywitz, pgs. 48-49.)
- The student has **passed** the vision screening with or without correction (i.e., glasses, contacts). Screening **must** be current, and student must be able to see the written word and differentiate between letters. (*Overcoming Dyslexia*, Sally Shaywitz, pg. 50; *Learning Disabilities – From Identification to Intervention*, Jack M. Fletcher, pgs. 92 – 94.)
- The classroom teacher can provide a list of academic concerns for the student and the student exhibits of the characteristics of dyslexia. The ***Teacher Interview for Student At-Risk for Dyslexia (Dyslexia Screening Checklist)*** is sufficient to determine general characteristics of dyslexia.
- Effective classroom instruction and interventions have previously been provided by the classroom teacher. Previous interventions, including the receipt of an accelerated reading program as defined by TEC §28.006 should be documented by the classroom teacher or through

a response to intervention process. **However, progression through Rtl is not required in order to begin the identification of dyslexia** (*The Dyslexia Handbook, 2018 Update*, p. 23).

- All EL students, depending on their bilingual category, must receive appropriate instruction based on their LEP category. The LPAC Committee determines and documents the student's bilingual category. A current TELPAS, LAS, etc. score is necessary. It is the expectation that the LEP student possesses Cognitive Academic Language Proficiency (CALP) **before** being dismissed from the bilingual program. If the student does not possess CALP and/or the additional data being submitted indicates language acquisition as a factor for the student's current concerns, the request for dyslexia evaluation may be refused (*The Dyslexia Handbook, 2018 Update*, pgs. 27, 29).
- Parents **must** be provided with written information concerning their child's difficulties in reading and **must** have been informed about the accelerated (intensive) reading program and/or interventions that appropriately addresses the student's reading difficulties and enables them to catch up with their typically performing peers (TEC §28.006(g)(h), *The Dyslexia Handbook, 2018 Update*, pgs. 24, 100-101). In addition, parents **must** provide the school with **written** consent for the dyslexia evaluation to be conducted under either Section 504 or IDEA (*The Dyslexia Handbook, 2018 Update*, p. 28).
- Frequently due to sociocultural factors such as irregular attendance or lack of experiential backgrounds, students will be referred as being a child with a disability. Both Section 504 and IDEA prohibit referrals for disability based on irregular attendance or lack of experiential background and/or other sociocultural factors (34 C.F.R., *Appendix Part 104 Definitions*; 34 C.F.R. §300.306; *The Dyslexia Handbook, 2018 Update*, p. 26).

Failure to present the additional data outline above, in addition to the outside independent evaluation, **may** result in an inability to consider the validity of the outside evaluation.

Eligibility determinations for dyslexia services can only be determined by a duly constituted Section 504 committee or ARD committee (including the parent/guardian) who are knowledgeable about the student, the evaluation data (including dyslexia) and the placement options.

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GLADEWATER INDEPENDENT SCHOOL DISTRICT

DISTRICT PROCEDURES FOR SERVING IN-STATE OR OUT OF STATE TRANSFERS FOR STUDENTS IDENTIFIED WITH DYSLEXIA

IN-STATE STUDENT TRANSFERS:

For students transferring into Gladewater ISD who have been diagnosed with dyslexia within the same school year by a public school agency within the state of Texas, the following procedures are to be followed:

1. Receiving campus **must** have written documentation from the previous school district that student has been identified as a student with dyslexia as outlined in *The Dyslexia Handbook, 2018 Update*.
2. Receiving campus **must** have written documentation from the previous school district that the student has a **current** Section 504 plan.
3. Gladewater ISD, upon receipt of the written documentation outlined in items 1 and 2, will provide the student with FAPE (free and appropriate public education) as defined under Section 504 including services **comparable** to those described in the student's Section 504 plan) from the previous school district **UNTIL** the current school district either:
 - a. Formally adopts the student's Section 504 plan by a duly constituted campus Section 504 committee pursuant to district procedures implementing Section 504 ; or
 - b. Develops, adopts and implements a new Section 504 plan that meets the applicable requirements including the determination of whether:
 - i. New or additional testing is required;
 - ii. Previous testing presented to the current school district is not older than one year;
 - iii. Previous testing meets the requirements as outlined in *The Dyslexia Handbook, 2018 Update*; and
 - iv. Previous testing meets the standards and procedures implemented by Gladewater ISD.
4. The timeline for completing the procedures outlined above shall be 45 days from the date the student is verified as being a student with dyslexia and eligible for dyslexia and Section 504 services.

STUDENTS TRANSFERRING FROM OUT OF STATE:

For students transferring into Gladewater ISD from a state other than Texas and who have been diagnosed with dyslexia within the same school year by a public school agency, the following procedures are to be followed:

1. Receiving campus **must** have written documentation from the previous school district that student has been identified as a student with dyslexia.
2. Receiving campus **must** have written documentation from the previous school district that student has a **current** Section 504 plan.
3. ISD, upon receipt of the written documentation outline in items 1 and 2, will provide the student with FAPE (free and appropriate public education as defined under Section 504 including services **comparable** to those described in the student's Section 504 plan) from the previous school district **UNTIL** the current school district either:

- a. Conducts an evaluation pursuant to the procedures outlined in *The Dyslexia Handbook, 2018*, Section 504, and Gladewater ISD procedures for evaluating students with dyslexia; and
 - b. Develops, adopts and implements a new Section 504 plan, if appropriate, that meets the applicable requirements pursuant to the procedures outlined in *The Dyslexia Handbook, 2018 Update*, and Section 504.
4. The timeline for completing the procedures outlined above shall be 45 days from the date the student is verified as being a student with dyslexia.

Should the data indicate that additional testing is indicated or not adequately current, Section 504 regulations and TEA requirements as outlined in *The Dyslexia Handbook, 2018 Update* have identified certain expectations in regard to the process and data required for a dyslexia evaluation. The data accompanying the request for a dyslexia evaluation should provide the evaluator with complete and accurate documentation to confirm the need for an evaluation or re-evaluation (specific to out of state transfer students). Documentation should include but is not limited to the following:

- The student has **passed** the hearing screening. This screening **must** be current, and the student must be able to hear, and process sounds normally. *"Students must possess the ability to distinguish the difference between sounds – the sounds of language (phonemes) and the sounds of noise – and the ability of the phonologic module to distinguish speech from non-speech words."* (*Overcoming Dyslexia*, Sally Shaywitz, pgs. 48 – 49).
- The student has **passed** the vision screening with or without correction (i.e., glasses, contacts). This screening **must** be current, and the student must be able to see the written word and differentiate between letters. (*Overcoming Dyslexia*, Sally Shaywitz, p. 50; *Learning Disabilities – From Identification to Intervention*, Jack M. Fletcher, pgs. 92 – 94).
- Data indicating that student's difficulties are not due to LEP issues and/or sociocultural factors such as irregular attendance or lack of experiential backgrounds.

For students who are identified as special education transfer students and have dyslexia, please refer to the procedures under the IDEA.

GLADEWATER INDEPENDENT SCHOOL DISTRICT

SPDI OR DYSLEXIA SDI EXIT CRITERIA

Student: _____ ID#: _____ DOB: _____ Gr: _____ Campus: _____

Date of Meeting: _____

Standard protocol dyslexia intervention program services (SPDI), MTA, or dyslexia specially designed instruction (SDI) services exit must be based on a comprehensive and thorough consideration of a preponderance of student data that meets most, or all of the criteria outlined below. Either the Campus Section 504 Committee or the ARD Committee (based on which program student is being served by) can make the decision to exit a student from the District's dyslexia SPDI or SDI if a preponderance of evidence is available to support such decision.

- | | | |
|------------------------------|---|---|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 1. Student has met standards on the STAAR/EOC Reading Writing tests for at least two years;
AND |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 2. Student is reading at grade level as measured by a Reading Inventory Measure from the District's dyslexia SPDI <input type="checkbox"/> or SDI <input type="checkbox"/> program and classroom administered fluency checks;
AND |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 3. The student has completed/mastered all the objectives in the District's dyslexia SPDI <input type="checkbox"/> or SDI <input type="checkbox"/> program;
AND |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 4. Student's reading teacher indicates student's grades and performance in the regular reading program demonstrates that there is no longer an education concern or need for placement through the SPDI <input type="checkbox"/> or SDI <input type="checkbox"/> program;
AND |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 5. Student's dyslexia teacher, regular reading program teacher (or ELA) and parent are in agreement that student no longer has an educational need for the SPDI <input type="checkbox"/> or SDI <input type="checkbox"/> program. |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO
<input type="checkbox"/> N/A | 6. Student demonstrates minimal to no measurable progress in the District's SPDI <input type="checkbox"/> or SDI <input type="checkbox"/> program and/or an inability to grasp the concepts taught in the support services after consistent implementation and is demonstrating regression. This must be supported by documentation of parent conferences as well as progress reports on the impact of the SPDI <input type="checkbox"/> or SDI <input type="checkbox"/> services on student learning. This lack of progress must be documented in either the student's Section 504 committee minutes or ARD minutes. Student must be referred for further evaluation. |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO
<input type="checkbox"/> N/A | 7. Factors such as behavior and/or absenteeism prevent the student from benefiting from the District's SPDI <input type="checkbox"/> or SDI <input type="checkbox"/> program. This must be supported by documentation of parent conferences as well as progress reports on the impact of the program's interventions on student learning. This lack of benefit must be documented in either the student's Section 504 committee minutes or ARD minutes along with documentation |

indicating District remediation.

A student exited from SPDI ☐ or SDI ☐ program services will continue to be monitored by the dyslexia teacher on a six-week basis and may continue to require a Section 504 plan ☐ or IEP ☐ to be implemented in the general education classroom or least restrictive environment to meet their individual needs. All students receive an annual review by either the campus Section 504 Committee or ARD Committee.

A student who has been exited from the SPDI ☐ or SDI ☐ program services and begins to show regression may be reinstated back into the SPDI ☐ or SDI ☐ program by either the campus Section 504 Committee or ARD Committee.

- | | | |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 1. The student has met the above exit criteria |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 2. The data used for making this decision is on file with this form in the student's Section 504 <input type="checkbox"/> or Special Education <input type="checkbox"/> folder. |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 3. A parent conference was held prior to this committee decision to collect parental input. |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 4. At this time, the student does NOT meet exit criteria; however, the parent has requested that the student be exited from the SPDI <input type="checkbox"/> or SDI <input type="checkbox"/> program. Parent has withdrawn consent for program services. |

Based on the above noted data, the Section 504 Committee ☐ or ARD Committee ☐ has exited this student from the district SPDI ☐ or SDI ☐ program services, effective _____ (date).

THIS PLACEMENT DECISION WAS MADE BY A LEGALLY CONSTITUTED CAMPUS SECTION 504 COMMITTEE ☐ OR ARD COMMITTEE ☐.

COMMITTEE SIGNATURES: Section 504 ☐ ARD ☐

_____ Signature	_____ Position
_____ Signature	_____ Position
_____ Signature	_____ Position
_____ Signature	_____ Position
_____ Signature	_____ Position
_____ Signature	_____ Position
_____ Signature	_____ Position

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DYSLEXIA TEACHER ROLE

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, 2018 Update lists and describes the components of instruction that must be a part of a program used for students identified with dyslexia. **In order to provide effective intervention, school districts are encouraged to employ highly trained individuals to deliver dyslexia instruction.** Licensed dyslexia practitioners or licensed dyslexia therapists should be considered if they are available as well as certified academic language therapists or certified academic practitioners. 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(e) 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.

Providers of dyslexia instruction **must** be prepared to use the techniques, tools, and strategies outlined in *The Dyslexia Handbook, 2018 Update*. They may also serve as trainers and consultants in dyslexia and related disorders for regular, remedial, and special education teachers.

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

“Both the teacher of dyslexia and the regular classroom teacher should provide multiple opportunities to support intervention and to strengthen these skills (critical, evidence-based components of dyslexia instruction); therefore, responsibility for teaching reading and writing must be shared by classroom teachers, reading specialists, interventionists, and teachers of dyslexia programs.”

The Dyslexia Handbook – 2018 Update, pg. 41.

Role of Dyslexia and/or Itinerant Reading Teachers

The dyslexia and/or itinerant reading teacher will:

- Deliver instructional reading programs (standard protocol dyslexia instruction/Esperanza) for identified students with dyslexia only
- Be assigned to specific campus(es) for purposes of accountability but will NOT be available to assist the campuses with campus responsibilities due to itinerant constraints
- Maintain a teacher/student ratio NOT to exceed the recommended of 1:6 per group
- Administer and gather pre/post instructional data to monitor program effectiveness and student growth in the area of reading
- Communicate with teachers, administrators and parents as needed
- Support and attend the district annual Parent Awareness Meeting
- Conduct parent training sessions

- Stay abreast of current research and development in dyslexia and research-based reading programs
- Assist in organizing and/or conducting in-services at their assigned campuses to facilitate the implementation of the dyslexia program and to ensure general classroom teacher knowledge on dyslexia
- Maintain all necessary student records required by the dyslexia program
- Comply with all state and federal laws as well as district policies
- Review dyslexia folders
- Attend all district dyslexia trainings and/or meetings
- Maintain student progress monitoring portfolios
- Review dyslexia referrals/folder for completion of required documentation ***prior*** to folder being sent to Dyslexia office. This review must be conducted in a timely manner and may only be conducted during your planning period. **Time taken to review dyslexia referral folders shall not under any circumstance prevent standard protocol dyslexia intervention services teacher from providing their assigned dyslexia programs. This is a compliance/FAPE issue.**

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LEGAL ISSUES FOR DYSLEXIA TEACHERS AND CAMPUSES

Provision of a Free Appropriate Public Education (FAPE)

A recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability. 34 CFR §104.33

A school district's Section 504 compliance with the obligation to provide FAPE hinges on its following specific procedures in the provision of services to students with disabilities. Section 504 regulations at 34 CFR §104.33(b)(1)(ii) establish the procedural component of FAPE by requiring "*adherence to procedures that satisfy the requirements of §104.34, §104.35 and §104.36.*"

District violated Section 504 by failing to maintain guidelines for providing services to students with disabilities. [*School Admin. Unit No. 6* (1994)].

FAPE under Section 504 is NOT bound by a cost-sensitive standard, such as reasonable accommodation. [*Response to Zirkel* (1993); ADAAA, (2009)].

Insufficient staff, heavy workloads, and inadequate pay are NOT acceptable excuses for failing to provide students with disabilities with FAPE. [*Department of Public Instruction* (1988); *Sherry v. NYS Ed. Dept.* (1979)].

Violation of Section 504 resulted from failure of student's teachers to consistently implement certain accommodations, including progress reports, provided for under Section plan. (*Inglewood* (2008)).

Student deprived of FAPE when district did not provide him with class notes as required by Section 504 plan; two teachers did not receive copy of plan until a month into school year. [*Barlow County* (2009)].

Kindergarten student, who missed 30-minute block of inclusion time for at least two months, did NOT receive FAPE; shortage in time called for by the student's plan constituted material plan implementation failure. [*Norton* (2009)].

District failed to properly implement student's Section 504 plan when it failed to provide accommodations for use during the state assessment. [*Lake County* (2008)].

District inconsistently implemented services student's plan, as paraprofessional assigned to the student confirmed she was sometimes unavailable due to staffing shortages; district also did not fully disseminate copy of plan to all employees responsible for provision of services to student. [*Toltec* (2008)].

District denied FAPE to student with ADHD because Section 504 plan lacked specificity and was not distributed to staff responsible for implementing it. [*Corunna* (2005)].

In implementation cases, a denial of the FAPE regulation is triggered by substantial or fundamental alteration of a basic element of the student's program or in the level of services to the student; in this

case, a failure to provide 20 percent of the child's plan for the school year met this standard. [Minneapolis (2003)].

Significant persons responsible for a student's accommodation plan lacked requisite knowledge and training, resulting in denial of FAPE in violation of Section 504. [Ocean View (1995)].

Compensatory Education

Although the majority of federal courts have held that compensatory damages are an available remedy under Section 504, they are divided on whether an award of damages must be conditioned on a showing of intentional discrimination. There is however some disagreement as to whether punitive damages are available under Section 504.

Compensatory damages are an available remedy under Section 504. [Salinas (2018); Breanne C. (2009); A.W. v. Jersey City (2007); Butler (2000); Garrett (1996); W.B. (1995)].

Because Section 504 claim relied on district's denial of FAPE and nothing in record indicated injury as result of anything other than denial of FAPE, appropriate remedy was compensatory education, not monetary damages. [School District of Philadelphia (2009)].

Parents have right to sue districts for alleged FAPE violations, as the definition of FAPE provided in the regulations further the statute's nondiscriminatory aims; parents also can seek monetary damages under Section 504 for a denial of FAPE. [Mark H. (2008)].

Fidelity of Program Implementation

Fidelity of Implementation – means carry out an instructional program in the manner in which it was designed. All campus teams, from the RTI core team, Section 504 committee and/or ARD committee, are not able to analyze data and provide supports if it cannot determine the appropriateness of the instruction within the classroom.

"Fidelity means that district and campus staff apply the intervention in the manner it was intended, based on how it was researched and validated. If the intervention requires a minimum of three 30-minute sessions per week and you have decided that you don't have time but for two 30-minute sessions per week, then you have NOT met fidelity. You cannot reduce the total time or time per session or alter the materials and still maintain fidelity." [John McCook, *The RtI Guide* (2006)].

District level teams must outline the assessments to be used in the RTI, Section 504, and/or Special Education process; devise a user-friendly format for presenting the data; articulate the interventions endorsed by the district; create a system for analyzing the data; and outline methods for accountability – particularly when intervention non-compliance occurs. [Andrea Ogonosky, *The Response to Intervention Handbook* (2008)].

Lack of fidelity/treatment integrity comprises (1) our assessment of student progress and (2) our ability to determine the efficacy of the intervention. [Brown-Chidsey and Steege, *Response to Intervention* (2010), pg. 45].

The reauthorized Elementary and Secondary Education Act states that all reading intervention should be research-based. In order to be a valid research-based methodology, material, or strategy, the intervention must be delivered to replicate the intervention cited in the research. If it is not provided

with fidelity, the intervention is no longer research-based and , thus, is out of compliance with that component of the law. **“The delivery of a dyslexia program must be 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.” [*The Dyslexia Handbook*, 2018 Update, Question #51, pg. 89].

GLADEWATER INDEPENDENT SCHOOL DISTRICT

DYSLEXIA PROFESSIONAL DEVELOPMENT AND REQUIRED TRAINING

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, 2018 Update. (pg. 97)

School Districts **MUST** do the following:

... "Provide training about dyslexia to educators and ensure that campus planning and decision making committee addresses dyslexia instructional strategies in professional development activities." (TAC §74.28(e) and TAC §232.11)

Texas Administrative Code 19 TAC §74.28(e)

... "Teachers who screen and treat these students must be trained in instructional strategies that utilize 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.

Texas Administrative Code 19 TAC §74.28(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. ..."

Texas Education Code TEC §21.044

... "(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 curriculum for that degree, instruction in detection and education of students with dyslexia."

"(c) The instruction under Subsection (b) **must**: ... (2) include information: (A) characteristics of dyslexia; (B) identification of dyslexia; and (C) effective, multisensory strategies for teaching students with dyslexia."

Texas Education Code TEC §21.054(b)(c)

"(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."

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

- | | | |
|------------------------------------|--------------------------|--------------------------------------|
| • Language development | • Fluency | • Behavior management |
| • Phonology and phonemic awareness | • Vocabulary | • Study skills |
| • Alphabetic knowledge | • Comprehension | • History of English language |
| • Handwriting | • Composition | • Technology |
| • Decoding (reading) | • Testing and assessment | • Needs of older struggling students |
| • Spelling (encoding) | • Lesson planning | |

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.

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders – 2018 Update. Texas Education Agency, Austin, Texas. November 2018, pgs. 47-48.

Louisa Moats 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.

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders – 2018 Update. Texas Education Agency, Austin, Texas. November 2018, pg. 50.

“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.

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders – 2018 Update. Texas Education Agency, Austin, Texas. November 2018, pg. 50.

GLADEWATER INDEPENDENT SCHOOL DISTRICT

DYSLEXIA PARENT AWARENESS LEGAL REQUIREMENTS

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders 2018 Update, (pg. 98).
School districts **MUST**:

- Inform parents of all services and options available to students eligible under IDEA or Section 504 [TAC §74.28(h)].
- Provide parents of children suspected to have dyslexia or a related disorder a copy or link to The Dyslexia Handbook [TAC §74.28(j)].
- **Provide a parent education program** [TAC §74.28(k)].

Texas Administrative Code 19 TAC §74.28 (h)(k)(l)

“(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.”

“(k) Each school district and open-enrollment charter school **shall provide a parent education program** for parent/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.’*”

DYSLEXIA PARENT AWARENESS

RECOGNIZING DYSLEXIA

Dyslexia is:

- One of several distinct learning disabilities.
- Of constitutional origin and is NOT the result of a generalized developmental delay or sensory impairment.
- Language-based. There is a weak sensitivity to the sounds of language (insufficient phonological processing ability).
- Characterized by having difficulty reading or decoding single words. This difficulty is unexpected for the age and in comparison to other cognitive and academic abilities. Other language skills are often variably and conspicuously impaired, particularly writing and spelling.
- 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 usually 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 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).
- Manifested by difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and socio-cultural opportunity.

Characteristics of Dyslexia:

- Difficulty saying the alphabet correctly in sequence
- Difficulty forming the shapes of the letters
- Difficulty writing the alphabet correctly in sequence
- Errors in naming letters
- Difficulty in learning and remembering printed words
- Repeated spelling errors
- Difficulty in handwriting
- Slow rate of writing
- Difficulty with reading comprehension

Characteristics which may be associated with dyslexia:

- Delay in spoken language
- Difficulty pronouncing words with sounds in the right order
- Difficulty finding the "right" word
- Late establishing preferred writing handedness
- Late learning right, left, and other directionality components
- Problems learning concept of time and temporal sequencing
- Family history of similar problems

OTHER FACTORS TO CONSIDER

Trends and Tendencies:

- Grades slip downward year-to-year
- Inconsistent grades from day-to-day
- Inconsistent performance on standardized tests
- Confusion with math symbols, but not computation
- Math computation is better than word problems
- Memorized spelling is better than spontaneous spelling
- Homework is better quality than classwork
- Inordinate time spent on homework
- Deteriorated organization and study habits
- Deteriorating motivation and self-esteem
- Good grades but too much struggle is evident
- Chooses oral performance over written when given chance
- Compensation by use of pictures, prompt from teacher, etc.
- Stress reflected by irregular writing and uneven pencil pressure

Frequent, Common or Typical Behaviors:

- Short attention span
- Posture indicative of poor self-esteem
- Anxiety results in inappropriate behaviors
- Withdrawal
- Inordinate stress during performance time
- Cheating
- Overcompensation through pseudo-confidence
- Poor motivation resulting from lack of success
- Situational behaviors manifested in specific situation (child/teacher conflict) though not characteristic of student's general behavior

These students may exhibit intellectual ability, mechanical ability, and talent in non-academic areas, social skills, and other strengths.

WHAT CAN A PARENT DO TO HELP A CHILD WITH DYSLEXIA?

Help your child understand the nature of his/her difficulty:

- Read books or view videos about dyslexia
- Emphasize the child's abilities instead of "disabilities"

Help other members of the family:

- Help others recognize and understand your child's learning disability. Family members often ask "who, what, where, and when" questions to get the necessary information.

Help your child locate and develop other talents:

- Sports, art, music, mechanics, hobbies, etc.
- Help improve your child's self-image by giving your child tasks he/she can master
- Give the child chores to do (e.g., setting the table for supper, clearing the dishes, and making the beds).
- Make short lists of tasks to help the child remember . A list is impersonal and reduces irritations. The child will gain satisfaction as he checks off tasks completed.

- Often children do not process multiple requests quickly or accurately . State your ideas in simple, clear, one-concept commands and ask the child to repeat what was said. Speaking at a slower rate of speed to the child is often helpful.

Structure the child's life at home:

- Stick to a regular routine for meals, play, TV, chores, homework, etc.
- Keep belongings in the same place. Help the child remember where to put them.
- Keep instructions simple – one at a time.
- Break tasks into small parts or steps.
- Relieve stress in weak areas.
- Guard against negative remarks, especially those referring to laziness or lack of effort.
- Avoid threats of punishment for such things as low grades, their need for repetition of directions, ineptness at simple tasks, etc.
- Set standards, goals, and expectations of achievement within reach of our child's abilities.

How can parent build self-esteem?

- Praise your child often and sincerely
- Don't constantly nag or criticize
- Catch your child doing well
- Give your child opportunities to succeed
- Tell your child you believe in him/or her
- Give your child lots of hugs and kisses
- Praise efforts that are working towards a goal
- Don't compare your child with anyone else
- Look for ways to make your child feel capable
- Encourage your child to make age appropriate decisions
- Give your child a chance to solve problems before jumping in
- Listen to our child's thoughts, feelings, and ideas without judging or criticizing

What strengths are we likely to see in individuals with dyslexia?

- Highly creative
- Links previously unrelated ideas, processes
- Finds new ways to do old things
- Problem solver
- Inventor
- Builder
- Diplomat
- Good sense of humor
- Likes and enjoys helping people
- May anticipate people's emotions
- Excels at individual sports
- Works better alone than with team
- Understands animals, plants, living things
- Mechanically inclined
- Wants to know how things work
- Likes to repair or make things better
- Enjoys working with hands
- Likes building things
- Scientific thinker
- Very curious and observant

- A good motivator
- Has high energy
- Enthusiastic
- Is open-minded

Parent Suggestions for Student Success:

- Parent(s) establish good study habits for the child. Consider a regular study schedule and a quiet study environment to address possible attention interference. Monitor nightly study to verify work is progressing or is completed.
- Work closely with your child's teacher. Regular communication between parent and teacher is necessary.
- Parent(s) consider reading to child 15 minutes a day or acquiring audiotapes of books for read along.
- Help child develop a positive attitude and understanding of self-worth.
- Read Chapters 15, 16, and 17 in *Overcoming Dyslexia* by Sally Shaywitz for additional reading support.

Resources:

1. Parenting a Struggling by Hall, S. & Moats, L. (2002) Broadway Books
2. Learning Outside the Lines by Mooney, J. & Cole, D: Simon & Schuster
3. Overcoming Dyslexia by Shaywitz, Sally
4. The International Dyslexia Association – <https://dyslexiaida.org>
5. LD-Online – www.ldonline.org
6. Understood for Learning and Attention Issues – www.understood.org
7. Learning Ally – www.learningally.org
8. Talking Book Program, State of Texas – www.tsl.texas.gov/tbp/index.html

Spanish Resources:

1. International Dyslexia Association – <https://dyslexiaida.org>
Refer to the following Fact Sheets:
 - Effective Reading Instruction for Students with Dyslexia
 - Dyslexia Basics
 - Understanding Dysgraphia
 - ADHD and Dyslexia
2. ¡Colorín Colorado – www.colorincolorado.org
Refer to the following:
 - Families:
 - Help Your Child Learn to Read – Tips by Age
 - Learning Together at Home
 - Schools and Families: An Important Partnership
 - The Preschool Years

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**A PARENT'S GUIDE TO DYSLEXIA
AND THE
GLADEWATER INDEPENDENT SCHOOL DISTRICT**



GLADEWATER INDEPENDENT SCHOOL DISTRICT

MARCH 2019

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GLADEWATER INDEPENDENT SCHOOL DISTRICT

A PARENT'S GUIDE TO DYSLLEXIA AND THE GLADEWATER INDEPENDENT SCHOOL DISTRICT

1. What is Dyslexia?

The student who struggles with reading and spelling often puzzles teachers and parents. The student displays average 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.

As defined in the Texas Education Code:

- (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."

TEC §38.003 (d)(1)(2)
(1995)

The current definition from the International Dyslexia Association states:

"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 (decoding), reading fluency, and spelling. Consequences of dyslexia 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. *"From a practical perspective this means that the weakness in reading is isolated and circumscribed, reflecting a local rather than generalized cerebral dysfunction. A child who is slow in all cognitive skills would **not** be eligible for consideration of dyslexia; a dyslexic child has to have some cognitive strengths, not only depressed reading functions."* (Overcoming Dyslexia, Sally Shaywitz, M.D., 2003.) Additionally, there is often a **family history** of similar difficulties.

2. What is **NOT** dyslexia?

Dyslexia is **NOT**:

- It is not a sign of poor intelligence.
- It is not the result of laziness or not caring.
- It cannot be “cured with pills, diets, or medical treatment.”
- It is not an eye (visual) problem.
- It is not outgrown, although individuals with dyslexia can be taught *how* to learn.
- It is not writing letters and words backward. *“While it is true that children with dyslexia have difficulties attaching the appropriate labels or names for letters and words, there is no evidence that they actually see letters and words backward.”* (Overcoming Dyslexia, Sally Shaywitz, M.D., 2003.)

The good news is that with appropriate education, understanding, and time, many individuals with dyslexia learn to read and write and to develop their special abilities and talents. Many successful scientists, artists, athletes, and world leaders are people with dyslexia.

(Basic Facts About Dyslexia: What Every Lay Person Ought to Know. The Orton Emeritus Series, The International Dyslexia Association, Baltimore, MD. 2nd Edition, 1998.)

3. Who is considered an individual with dyslexia?

Research is ongoing and some results vary. The National Institutes of Health and other reputable agencies estimate that between 10% and 15% of the men, women, and children in this country may have dyslexia. Nancy Mather and Barbara Wendling report recent estimates suggest approximately 5% to 8% of the school age population have dyslexia. Some people may have severe problems, in several areas, such as reading, spelling, remembering, listening, and sequencing. Other people may have less severe or even mild difficulty in just one or two areas. Dyslexia occurs among all groups of the population, from young children to adults. Dyslexia is **NOT** related to race, age, or income.

(Basic Facts About Dyslexia: What Every Lay Person Ought to Know. The Orton Emeritus Series, The International Dyslexia Association, Baltimore, MD. 2nd Edition, 1998.)

(Mather, N., & Wendling, B.J. (2012). Essentials of Dyslexia Assessment and Intervention. Hoboken, NJ: John Wiley & Sons.

4. What are the characteristics of dyslexia? (It is important to note that individuals demonstrate differences in degree of impairment.)

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

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

(*The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* – 2018 Update. Texas Education Agency, Austin, Texas. November 2018, pgs. 1 – 2.)

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 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., "to," "said," "been")

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., reading is 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. reading is 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 with a foreign language

Postsecondary:

Some students will not be identified as having dyslexia prior to entering college. 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 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 notetaking
- Difficulty with written production
- Difficulty remembering sequences (e.g., mathematical and/or scientific formulas)

(Fact Sheets - *Dyslexia Basics*, The International Dyslexia Association, May 2012, <https://dyslexiaida.org/dyslexia-basics/>
(*Overcoming Dyslexia: A New and Complete Science-based Program for Reading Problems at any Level*, Sally Shaywitz, M.D., 2003.)
(*The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* – 2018 Update. Texas Education Agency, Austin, Texas. November 2018, pgs. 2 – 4.)

5. What causes dyslexia?

Dyslexia results from differences within the organization of the brain. Why these differences occur and what they mean for understanding dyslexia are questions yet to be answered. People with dyslexia are born with this condition, and it has a tendency to run in families. Most individuals with dyslexia have been found to have difficulty identifying the separate speech sounds within a word and/or learning how letters represent those sounds, a key factor in their reading difficulties. Some adults may not realize that their difficulties are due to dyslexia. Even students in colleges or graduate schools who are having difficulty may be dyslexic and have gone undiagnosed. Dyslexia is not due to either lack of intelligence or desire to learn; with appropriate teaching methods and remediation, individuals with dyslexia can learn successfully.

(Frequently Asked Questions about Dyslexia, The International Dyslexia Association, 2018)

6. Who can make a referral for consideration of dyslexia?

Anyone can refer a child for evaluation and consideration of dyslexia. In addition, students who have not reached age-appropriate developmental milestones with the use of scientifically, research-based interventions and/or remediation, and who display characteristics of dyslexia should be referred for consideration of a dyslexia evaluation as outlined in the district's Section 504 evaluation process or the Individuals with Disabilities Education Act (IDEA).

While anyone can make a referral, such as parents or a doctor, OCR stated in a staff memorandum that *"the school district must also have reason to believe that the child is in need of services under Section 504 due to a disability."* (OCR Memorandum, April 29, 1993; *Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, Question 30, OCR, Revised Sept. 2018; *Parent and Educator Resource Guide to Section 504 – Student Evaluations and Placement Under Section 504*, OCR, pg. 12, Dec. 2016.) Therefore, a school district does not have to refer or evaluate a child under Section 504 for consideration of dyslexia solely upon parental demand. The key to a referral is whether the school district staff suspects that a child has a mental or physical impairment that substantially limits a major life activity (such as reading) and is in need of either regular education with supplementary services or special education and related services [*Letter to Mentink*, 19 IDELR 1127 (OCR) 1993]. A special education full and individual initial evaluation (FIE) may occur if it is suspected that the dyslexia may create an educational need requiring specially designed instruction. In IDEA (special education), dyslexia is considered one of a variety of etiological foundations for specific learning disability (SLD). [34 C.F.R. §300.8(c)(10)].

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 believe the student may have a disability. If a disability is suspected, the student needs to be evaluated following the guidelines outlined in *The Dyslexia Handbook – 2018 Update* in Chapter 3.

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. Additional information to be considered includes the results from some or all of the following: vision screening; hearing screening; teacher reports of classroom concerns; accommodations or interventions provided; academic progress reports (report cards); gifted/talented assessments (if given/applicable); samples of school work; parent conference notes; K-2 reading instrument results as required in TEC §28.006 (English and native language, if possible); K-1st grade dyslexia screening as required in TEC §38.003(a); 7th grade reading instrument results as required in TEC §28.006; observations of instruction provided to the student; speech and language assessment (if

applicable); outside evaluations (if available); school attendance, curriculum-based assessment measures; universal screening for all grade levels available; and state student assessment program results (grades 3 and above).

If a parent requests a referral for evaluation and consideration of dyslexia, and the school district refuses, the school district **must** provide the parent with the rationale for refusal and notice of their due process rights under Section 504 or the IDEA. **Progression through tiered intervention is NOT required in order to begin the identification of dyslexia.**

(The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders – 2018 Update. Texas Education Agency, November 2018.)

7. Is a student automatically "504" if he/she has been determined to be dyslexic?

NO. This applies to those students referred for a dyslexia evaluation as well as those students who may have received a diagnosis of dyslexia from a professional resource outside of the school district. To be a person with a disability (dyslexia) within the meaning of Section 504, the student's dyslexia **must** affect the student's education. Thus, a student with dyslexia may be considered to have a disability within the scope of §504 if the condition substantially limits the student's learning and/or ability to read, write or spell.

In determining whether a student with characteristics of dyslexia is eligible within the meaning of Section 504, a variety of information **must** be considered. Information from parents, including professional evaluations and/or a diagnosis, will be carefully documented and considered by the Section 504 committee. It is important to understand that a single source of information, such as an outside professional evaluation or doctor's diagnosis, does **not** mean that a student is automatically eligible for identification and placement into a dyslexia program and Section 504 eligibility. The decision concerning Section 504 eligibility and need for services must be determined by a "*duly constituted Section 504 committee*" in accordance with federal regulations and state law.

8. How does a district address the instructional needs of identified and eligible students with dyslexia?

Instructional decisions for a student with dyslexia must be made by a committee (§504 or ARD) that is knowledgeable about the instructional components and approaches for students with dyslexia. In accordance with 19 TAC §74.28(e) districts shall purchase or develop a reading program for students with dyslexia and related disorders that incorporates all the components of instruction and instructional approaches outlined in TEA's *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders – 2018 Update, Chapter 4*.

These programs are individualized, intensive, utilize multi-sensory teaching methods, contain writing and spelling components and meet the state required descriptors. In addition, the student will be provided appropriate instructional strategies including accommodations/interventions to be utilized throughout the school day. Instructional and accommodation decisions for students must be determined by the Section 504 Committee or the Special Education ARD Committee, and be designed to meet the student's individual needs and provide the student with a free appropriate public education.

9. As a parent, what can I do at home to assist my child?

As a parent, it is important that you:

- Establish good study habits for the child. Consider a regular study schedule and a quiet study environment to address possible attention interference. Monitor nightly study to verify work is progressing or is completed.
- Consider establishing a system of reinforcers, either tangible or intangible, to encourage the child to be more successful in reading. Student can participate in these choices.
- Listen to your child's feelings.
- Encourage child to discuss and talk about his/her feelings.
- Reward effort and not just the "product" of school.
- Stress improvement and not just the grades.
- Encourage the child to succeed in other areas such as talents in athletics, the arts, mechanics, volunteer work, and community service.
- Help the child to set realistic goals.

(The Other Sixteen Hours: The Social and Emotional Problems of Dyslexia. The Orton Emeritus Series, The International Dyslexia Association, Baltimore, MD, 1997.)

10. **What testing accommodations are available for students identified with dyslexia taking the state student assessment program – STAAR (State of Texas Assessments of Academic Readiness)? Please check the TEA website for the most current information.**
www.tea.texas.gov/student.assessment/accommodations/staar-telpas

Accommodations for students with disabilities provide students with effective and equitable access to grade-level or course curriculum and assessments. For the purposes of the statewide assessments, students needing accommodations due to a disability include:

- 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 met established eligibility criteria for certain 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, the decision to use a particular accommodation with a student should be made on an individual basis. An educator's ability to meet the individual needs of a student with dyslexia should not be limited by whether an accommodation is allowable on a state assessment. An educator should take into consideration both the needs of the student, and whether the student routinely receives the accommodation in classroom instruction and testing. If a student receives special education services or Section 504 services, all accommodations must be documented in the student's individualized education program (IEP) or Section 504 individualized accommodation plan (IAP).

For specific accommodation descriptions, STAAR assessments, student eligibility criteria, and the committee that has the authority for decision-making and the required documentation, view the TEA Accommodation information at:

www.tea.texas.gov/student.assessment/accommodations/staar-telpas

Once on this link, "click" each specific accommodation being considered to access further detail.

11. Are testing accommodations available for the ACT or SAT?

YES. A student with a documented disability **may** be eligible for accommodations on College Board tests. A *Services for Students with Disabilities (SSD) Student Eligibility Form* must be submitted for each student requesting accommodations. If the student is requesting accommodations that require a nonstandard administration of the test, there is a specific process that schools must follow. Just because you have an Individualized Education Plan (IEP) or §504 plan (IAP) does **not** automatically guarantee that you are eligible for accommodations.

A student needing accommodations on a College Board exam **must** first meet the basic eligibility requirements. The requirements include (but are not limited to):

- Does the student have a disability that makes it difficult to learn?
- Does the disability make it hard to take tests in the traditional manner?
- Does the student receive accommodations for the tests they currently take in school? (Extra time, a different version of the test, etc.)
- Is the student part of a resource room or special education class?
- Does the student have documents on file at the student's school that show the student has a disability that requires test accommodations?

If the student answers "YES" to any of the above questions, they **may** be eligible for accommodations. Additionally, the documentation on file at the student's school of secondary education needs to:

- State the specific disability, as diagnosed;
- Be current – in most cases, the evaluation should be completed within three years of the request for accommodations;
- Provide relevant educational, developmental, and medical history;
- Describe the comprehensive testing and techniques used to arrive at the diagnosis (including evaluation dates and test results with subtest scores from measures of cognitive ability, current academic achievement, and information processing);
- Describe the functional limitations supported by the test results;
- Describe the specific accommodations requested, and state why the student's disability qualifies the student for such accommodations on standardized tests; **and**
- Establish the professional credentials of the evaluator, including information about license or certification and area of specialization.

Accommodations that may be available include (but are not limited to):

- Extended testing time;
- Enlarged print;
- Testing across more than one day;
- Alternative test formats; and
- Assistance marking their responses.

Accommodations requested may vary depending on the specific disability and documentation provided.

For information about testing accommodations for the SAT, go to: www.collegeboard.com.

For information about testing accommodations for the ACT, go to: www.actstudent.org.

12. Will the district test my child for dyslexia after graduation from high school?

NO. Although colleges frequently require students to provide a professional evaluation and assessment scores, a district is **NOT** required by any state regulation to provide this service. According to the Office of Civil Rights, 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.

(Appendix H: *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*. OCR 2011. *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders – 2018 Update*, Texas Education Agency, November 2018, pg. 147.)

To learn more about dyslexia and service agencies, contact:

The International Dyslexia Association

40 York Road, 4th Floor
Baltimore, MD 21204
(410) 296-0232
<https://dyslexiaida.org>

**Learning Disabilities Association of Texas
(LDAT)**

P.O. Box 831392
Richardson, TX 75083-1392
www.ldatx.org

**For additional information regarding the
Gladewater Independent School District Dyslexia Program, contact:**

Kathy Musick
District §504 Coordinator
(903) 843-5575

Dr. Peggy Oden
District Special Education Director
(903) 843-5575

GISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, or genetic information in employment or provision of services, programs, or activities.

DYSLEXIA AND RELATED DISORDERS

DISORDER	TEA DEFINITION	CHARACTERISTICS	ASSESSED BY	STRATEGIES
DYSLEXIA	TEA: <i>Disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.</i>	<ul style="list-style-type: none"> • Difficulty reading words in isolation • Difficulty accurately decoding unfamiliar words • Difficulty with oral reading (slow, inaccurate, or labored) • Difficulty spelling 	Someone who is trained in dyslexia and the reading process. Subject to testing protocols used by district.	Refer to Dyslexia Handbook, Revised 2014.
DEVELOPMENTAL AUDITORY IMPERCEPTION	TEA: <i>The inability to receive and understand sounds and words.</i> <u>Additional Information:</u> Disturbance of auditory processing in children. Includes “speech and sound discrimination tasks varying in one or more dimensions, auditory figure-ground selection, and sound localization.” Generally referred to as central auditory processing disorder, congenital auditory imperception, word deafness (IDC10). From: <i>Developmental Neuropsychology, Language Disorders</i> – Oxford University Press, pg. 419	<ul style="list-style-type: none"> • Difficulty understanding spoken language in competing messages, noisy backgrounds, or in reverberant environments • Misunderstanding messages • Inconsistent or inappropriate responses • Frequent requests for repetitions • Taking longer than his/her average peers to respond in oral communication situations • Difficulty paying attention • Difficulty following complex auditory directions or commands • Difficulty localizing sound • Difficulty learning songs or nursery rhymes • Poor musical and singing skills • Associated reading, spelling, and learning problems 	Audiologists and Speech-Language Pathologists as per ICD10	<p>Refer to Speech Language Pathologist in district for suggestions.</p> <p>Possible interventions:</p> <ul style="list-style-type: none"> • Direct skills remediation or auditory training • Strengthening higher-order central resources (language, memory, attention) • Metalinguistic strategies such as schema induction and discourse cohesion devices; context-derived vocabulary building; phonological awareness; and semantic network expansion • Metacognitive strategies including: self-instruction, cognitive problem solving and assertiveness training • Environmental strategies including: enhancement of the signal and listening environment; classroom and instructional management approaches designed to improve access to information presented in the classroom; preferential seating; use of visual aids; reduction of

					competing signals; use of assistive listening systems; pause more often; emphasize key words <ul style="list-style-type: none">Technology that improves audibility and clarifies the acoustic signal MAY be indicated for some individuals From: <i>(Central) Auditory Processing Disorders – Intervention</i> , pgs. 19-23. www.asha.org/docs/html/TR20-05-0043.html
DYSPHASIA	TEA: <i>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.”</i> <u>Additional Information:</u> One in a group of speech disorders in which there is impairment of the power of expression by speech, writing, or signs, or impairment of the power of comprehension of spoken or written language. A condition related to abnormal speech and language such as expressive or receptive speech difficulties. Common cause is damage or trauma to the brain. From: <i>National Institute of Health – National Institute on Deafness and Other Communication Disorders</i> , March 2011.	<ul style="list-style-type: none">Difficulty remembering wordsDifficulty naming objects and/or peopleDifficulty speaking in complete and/or meaningful sentencesDifficulty speaking in any fashionDifficulty reading or writingDifficulty expressing thoughts and feelingsDifficulty understanding spoken languageUsing incorrect or jumbled wordsUsing words in the wrong order	Speech-Language Pathologist	<ul style="list-style-type: none">Speak in short sentencesUse simple languageSpeak slowlyGive the person extra time to answerSpeak in normal adult voiceSpeak at normal volumeRepeat your message or say it another way if neededHighlight the important words in your message From: <i>Dysphasia Brochure</i> by Speech Pathology Department of Western Health, 2010.	
SPECIFIC DEVELOPMENTAL DYSLEXIA	TEA: <i>Another term for dyslexia.</i> Additional Information: A disorder manifested by difficulty learning to read, despite conventional instruction, adequate	Refer to Dyslexia	Someone who is trained in dyslexia and the reading process. Subject to testing protocols used by district.	Refer to Dyslexia Handbook, Revised 2014.	

	intelligence and sociocultural opportunity. It is dependent upon fundamental cognitive disabilities that are frequently of constitutional origin. From: <i>World Federation of Neurology</i> , 1968 as quoted in <i>Annals of Dyslexia</i> , Vol. 39, 1989.				
DEVELOPMENTAL DYSGRAPHIA	TEA: <i>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.</i>	<ul style="list-style-type: none"> • 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 coping with legible or illegible handwriting (Andrews & Lombardino, 2014) 	Someone who is trained in dyslexia and the reading process. Subject to testing protocols used by district. Data should include formal or informal assessment in the areas of legibility, automaticity, orthographic processing, spelling and optional keyboarding.	<p>Learning to form letters by:</p> <ul style="list-style-type: none"> • Playing with clay to strengthen hand muscles • Keeping lines within mazes to develop motor control • Connecting dots or dashes to create complete letter forms • Tracing letters with index finger or eraser end of pencil • Imitating the teacher modeling sequential strokes in letter formation • Copying letters from models <p>Explicit instruction Strategies for composition including:</p> <ul style="list-style-type: none"> • Planning, generating, reviewing/evaluating, and revising compositions of different genre including narrative, informational, compare and contrast, and persuasive • Self-regulation strategies for managing complex executive functions involved in composing <p>From: <i>Understanding Dysgraphia</i>, Just the Facts..., IDA, 2012.</p>	
DYSGRAPHIA	TEA: Chapter V – The Dyslexia Handbook, 2018 Update. <i>Dysgraphia is best defined as 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 or storing and retrieving orthographic codes (letter forms) (Berninger, 2015).</i> <u>Additional Information:</u> The condition of impaired letter writing by hand, that is, disabled handwriting. Impaired handwriting can interfere with learning to spell words in writing and speed of writing text. Children with dysgraphia may have only impaired handwriting, impaired spelling (without reading problems), or both impaired handwriting and impaired spelling.				

DEVELOPMENTAL SPELLING DISORDER	<p>From: <i>Understanding Dysgraphia, Just the Facts...</i>, IDA, 2012.</p> <p>TEA: <i>Significant difficulty learning to spell. This occurs in the absence of reading or other written-language difficulties.</i></p> <p><u>Additional Information:</u></p> <p>Most resources use the term Specific Spelling Disorder. A specific developmental disorder characterized by a significant impairment in the development of spelling skills without any history of a reading disorder, the deficit NOT being attributable to neurological or sensory impairment, mental retardation, or environmental deprivation.</p> <p>From: <i>A Dictionary of Psychology – 2nd Edition</i> by Andrew M. Colman, Oxford University Press, 2008.</p>		Someone who is trained in dyslexia and the reading process. Subject to testing protocols used by district.	<ul style="list-style-type: none"> • Practice segmenting words into sounds and linking them to symbols • Work on acquiring the rules for conventional spelling and understanding word structure • Dictation should begin at sound level, continue words and end with words in sentences • Provide immediate feedback and link back to sound patterns and rules • Introduce irregular words only one or two at a time • Homophones should NOT be taught together – allow student to master one before introducing the second or third • Teach atypical spellings by using VAKT techniques • Have student develop spelling notebooks to provide an organized system for reviewing spelling patterns and irregular words • Do NOT use word walls or lists of words posted in the classroom that are based on letter symbols <p>From: <i>Reading Assessment – Linking Language, Literacy, and Cognition</i> by Melissa Lee Farrall, 2012, pgs. 302-303.</p>
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Questions to determine the identification of dysgraphia (from Figure 5.3 – *The Dyslexia Handbook, 2018 Update*, pg. 65):

- 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?
- Does the pattern indicate the student has dysgraphia?
- Does the student meet eligibility as a student with a disability under Section 504 or IDEA?

Questions that should be considered in addressing other related disorders are:

- Is the related disorder language-based at the level of phonology, word reading and/or spelling?
- If the related disorder is language-based at the level of phonology, word reading and/or spelling, does the related disorder manifest in “**unexpectedness**” when compared to the student's other cognitive abilities, age and grade? If yes...
- Does the student **need** instruction/intervention as a direct result of their related disorder?

Related disorders are not the same as associated academic difficulties and other conditions (co-occurring disorders). Students can have two different disorders, but they may not be related to each other. The most common co-occurring disorders with dyslexia are attention deficit hyperactivity disorder (ADHD) and specific developmental language disorders. “*Besides academic struggles, some students with dyslexia may exhibit other complex conditions and/or behaviors. 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. These additional conditions can have significant impact on the effectiveness of instruction provided to students with dyslexia.*”¹ In other words, while a student may also have ADHD, Tourette's, specific developmental language disorders, etc., they are **NOT** considered to be related to dyslexia but may co-occur with dyslexia.

“*Besides academic struggles, some students with dyslexia may exhibit other complex conditions and/or behaviors.*”¹

“*It is not unusual for students to be diagnosed with dyslexia and another condition. There are also conditions that can look like dyslexia because they have some of the same symptoms. Here are some conditions that can coincide with or be mistaken for dyslexia:*”²

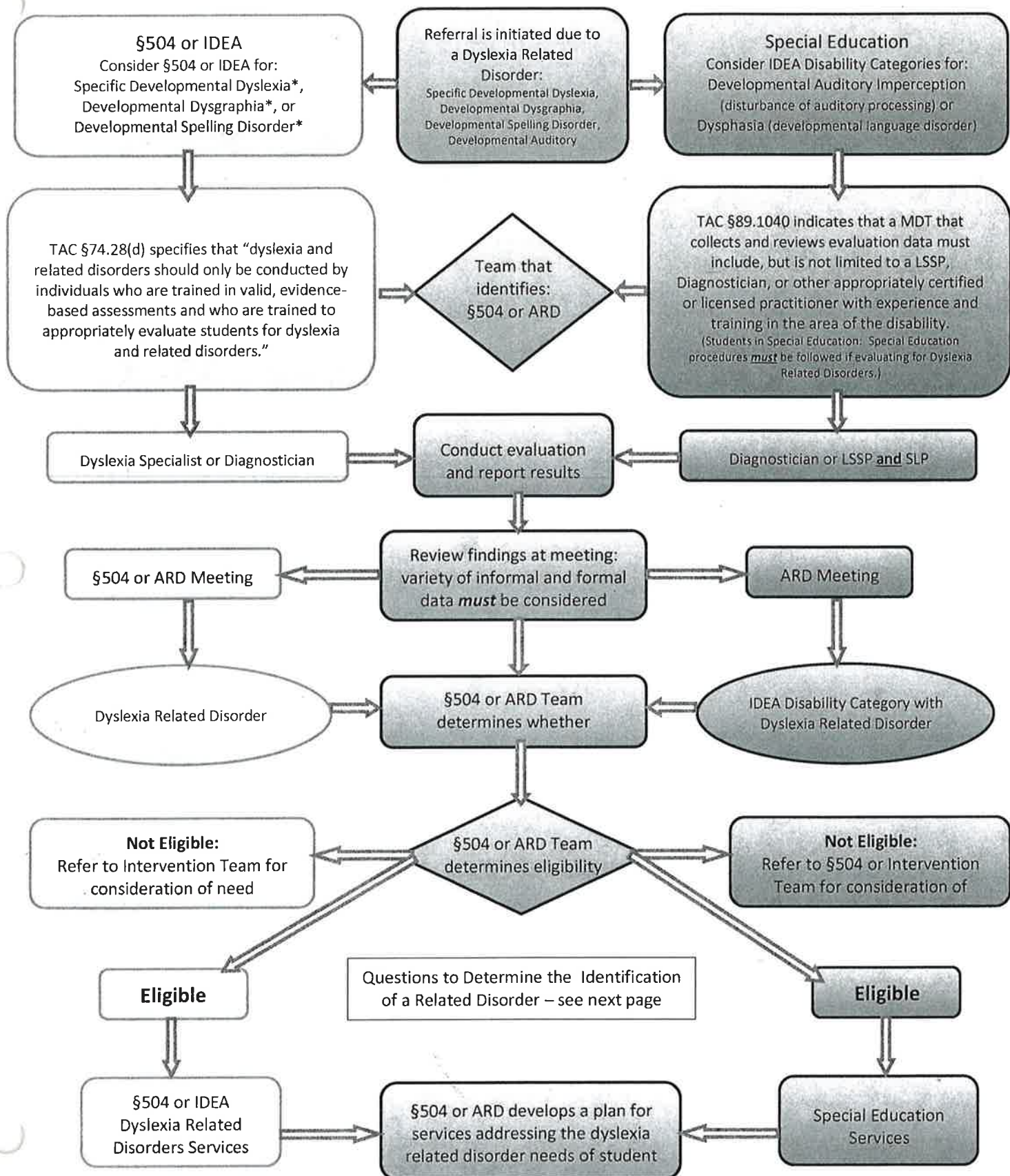
- ADHD^{1,2,3}
- Specific Developmental Language Disorders¹
- Executive Functioning Disorders²
- Auditory Processing Disorders²

¹The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders – 2018 Update, pg. 4.

²LD Online - Understood – Understanding Dyslexia: What conditions are related to dyslexia?, by Emily Lapkin.
www.understood.org/en/learning-attention-issues/child-learning-disabilities/dslexia/understanding-dyslexia

³Just the Facts..., Attention-Deficit/Hyperactivity Disorder (AD/HD) and Dyslexia, International Dyslexia Association – References by K.E. Kakin & G. Erenberg (2005); and E.Q. Tridas, (2007). <https://dyslexiaida.org/attention-deficithyperactivity-disorder-adhd-and-dyslexia/>

DYSLEXIA RELATED DISORDERS IDENTIFICATION PROCESS FLOWCHART



DYSLEXIA RELATED DISORDERS IDENTIFICATION PROCESS

Questions to Determine the Identification of Dysgraphia (from Figure 5.3 – The Dyslexia Handbook, 2018 Update, pg. 65):

- 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?
- Does the pattern indicate the student has dysgraphia?
- Does the student meet eligibility as a student with a disability under Section or IDEA?

Questions that should be considered in addressing the *other* dyslexia related disorders:

- Is the related disorder language-based at the level of phonology, word reading and/or spelling?
- If the related disorder is language-based at the level of phonology, word reading and/or spelling, does the related disorder manifest in "unexpectedness" when compared to the student's other cognitive abilities, age and grade? If yes,...
- Does the student need instruction/intervention as a direct result of their related disorder?



Question 4

- Q: Why doesn't the Dyslexia Handbook include a chapter on "dyscalculia"?
- A: Dyscalculia (a specific learning disability in math) is not a related disorder to dyslexia.

Resource: Presentation "Dyslexia & Dysgraphia: Interactions with Special Education," SWEPP 2019, Cherry C. Lee & Deanna Clemens, TEA.

GLADEWATER INDEPENDENT SCHOOL DISTRICT

STATE AND FEDERAL LAWS AND RULES RELATED TO DYSLEXIA

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 appropriate 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 appropriate 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, 82nd 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.

TEXAS EDUCATION CODE §38.0031 (STATE LAW)

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, 82nd 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), Se. 6, eff. June 15, 2017.

TEXAS EDUCATION CODE §42.006(a-1) (STATE LAW)

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)

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, 82nd 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:

Section 54.003. Examination Accommodations For Person With Dyslexia

- (a) Defines, in this section, "dyslexia,"
- (b) Requires a state agency, for 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, 82nd 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 504 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 DYSLEXIA 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 describe 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 issue 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 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," provided in this subsection. The handbook is 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.

Figure: 19 TAC §74.28(c)

- (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 school 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; amended to be effective March 13, 2019, filed with TexReg February 21, 2019.

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 s 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.

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

School districts MUST do the following:

- Administer kindergarten and grade 1 dyslexia screening (TEC §38.003(a))
- Administer K-2 early reading instruments and grade 7 reading instrument (TEC §28.006(c)-(c-1))
- Provide early identification, intervention, and support (TEC §28.006(g)-(g-1))
- Apply results of early reading instruments to instruction and report to the commissioner of education (TEC §28.006(d))
- Implement SBOE-approved procedures for screening, individualized evaluation, and techniques for treating students with dyslexia and related disorders (*Dyslexia Handbook* and TAC § 74.28(c))

- Provide training about dyslexia to educators and ensure that campus planning and decision-making committee addresses dyslexia instructional strategies in professional development activities (TAC §74.28(e) and §232.11)
- Ensure that the procedures for identification and instruction are in place (TAC §74.28)
- Notify parents in writing at least five school days before an evaluation or identification procedure is used with an individual student (TAC §74.28(f))
- Screen or test for dyslexia at appropriate times (TEC §38.003)
- Ensure that rescreening or re-evaluating for the purposes of accommodations does not occur until after current testing has been reviewed (TEC §38.003(b-1))
- Meet the requirements of IDEA or Section 504, as applicable, when evaluation for dyslexia or related disorders is recommended (*Dyslexia Handbook*)
- Provide treatment (instruction for students with dyslexia or related disorders (TEC §38.003 and TAC §74.28(i))
- Purchase or develop programs that include descriptors listed in the *Dyslexia Handbook* (TAC §74.28(e))
- Inform parents of all services and options available to students eligible under IDEA or Section 504 (TAC §74.28(h))
- Provide students with services of a teacher trained in dyslexia and related disorders (TAC §74.28(i))
- Provide parents of children suspected to have dyslexia or a related disorder a copy or link to the *Dyslexia Handbook* (TAC §74.28(j))
- Provide a parent education program (TAC §74.28(k))
- 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 evaluate student for dyslexia (IDEA and Section 504)
- Inform parents/guardians of their rights under IDEA and/or Section 504
- Obtain parent or guardian permission to evaluate student for dyslexia or related disorder (IDEA and Section 504)
- Administer measures using only individuals/professionals who are trained in assessment to evaluate students for dyslexia and related disorders (TAC §74.28(d))
- Ensure that identification of dyslexia is made by the ARD or Section 504 committee of persons knowledgeable about the reading process, dyslexia and dyslexia instruction, the assessments used, and the meaning of the collected data (*Dyslexia Handbook*)
- Provide dyslexia instruction in accordance with TEC §38.003
- 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 IDEA and Section 504*:

- Documentation that the notice of evaluation has been provided in writing to parent/guardian
- Documentation that parents/guardians were provided notice of their rights (procedural safeguards)

- Documentation of parent/guardian consent for evaluation
- Documentation of the evaluation data
- Documentation of decisions made by the committee of knowledgeable persons
- Documentation of eligibility, services, and placement options and decisions

*For more information on these federal laws refer to Appendix D: IDEA/Section 504 Side-by-Side Comparison (pg. 8-24)

Section 504 of the Rehabilitation Act of 1973 (Federal Law - selected portions)

34 C.F.R. Part 104

Sec. 104.4 Discrimination Prohibited.

- (a) General. No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.
- (b) Discriminatory actions prohibited.
 - (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability:
 - (i) Deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
 - (ii) Afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
 - (iii) Provide a qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others;
 - (iv) Provide different or separate aid, benefits, or services to persons with disabilities or to any class of persons with disabilities unless such action is necessary to provide qualified persons with disabilities with aid, benefits, or services that are as effective as those provided to others;
 - (v) Aid or perpetuate discrimination against a qualified person with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the recipients program;
 - (vi) Deny a qualified person with a disability the opportunity to participate as a member of planning or advisory boards; or
 - (vii) Otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.
 - (2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and non-disabled persons, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.
 - (3) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified person with a disability the opportunity to participate in such programs or activities that are not separate or different.
 - (4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration
 - (a) that have the effect of subjecting qualified persons with disabilities to discrimination on the basis of disability,
 - (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to persons with disabilities, or

- (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.
- (5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections
 - (i) that have the effect of excluding persons with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or
 - (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to persons with disabilities.
- (6) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance. ...

Subpart D – Preschool, Elementary, and Secondary Education

Sec. 104.31 Application of this subpart.

Subpart D applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from Federal financial assistance and to recipients that operate, or that receive or benefit from Federal financial assistance for the operation of, such programs or activities.

Sec. 104.32 Location and notification.

A recipient that operates a public elementary or secondary education program shall annually:

- (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
- (b) Take appropriate steps to notify persons with a disability and their parents or guardians of the recipient's duty under this subpart.

Sec. 104.33 Free appropriate public education.

- (a) General. A recipient that operates a public elementary or secondary education program shall provide a free appropriate public education to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability.
- (b) Appropriate education.
 - (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that
 - (i) are designed to meet individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met and
 - (ii) are based upon adherence to procedures that satisfy the requirements of Sections 104.34, 104.35, and 104.36.
 - (2) Implementation of an individualized education program developed in accordance with the Individuals with Disabilities Education Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.
 - (3) A recipient may place a person with a disability in or refer such person to a program other than the one that it operates as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any person with a disability so placed or referred.
- (c) Free education.
 - (1) General. For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the person with a disability or to his or her

parents or guardian, except for those fees that are imposed on nondisabled persons or their parents or guardian. It may consist either of the provision of free services or, if a recipient places a person with a disability in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this subpart, of payment for the costs of the program. Funds available from any public or private agency may be used to meet the requirements of this subpart. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a person with a disability.

(2) Transportation...

(3) Residential placement...

(4) Placement of disabled persons by parents. If a recipient has made available, in conformance with the requirements of this section and Section 104.34, a free appropriate public education to a person with a disability and the person's parents or guardian choose to place the person in a private school, the recipient is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a recipient regarding whether the recipient has made such a program available or otherwise regarding the question of financial responsibility are subject to the due process procedures of Section 104.36.

(d) Compliance. A recipient may not exclude any qualified person with a disability from a public elementary or secondary education after the effective date of this part. A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of the preceding paragraphs of this section shall meet such requirements at the earliest practicable time and in no event later than September 1, 1978.

Sec. 104.34 Educational setting.

- (a) Academic setting. A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified person with a disability in its jurisdiction with persons who are not disabled to the maximum extent appropriate to the needs of the person with a disability. A recipient shall place a person with a disability in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.
- (b) Nonacademic settings. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in Section 104.37(a)(2), a recipient shall ensure that disabled persons participate with nondisabled persons in such activities and services to the maximum extent appropriate to the needs of the person with a disability in question.
- (c) Comparable facilities. If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for persons with disabilities, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

Sec. 104.35 Evaluation and placement.

- (a) Pre-placement evaluation. A recipient that operates a public elementary or secondary education program shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial

placement of the person in a regular or special education program and any subsequent significant change in placement.

- (b) Evaluation procedures. A recipient to which this subpart applies shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education or related services which ensure that:
 - (1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
 - (2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
 - (3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- (c) Placement procedures. In interpreting evaluation data and in making placement decisions, a recipient shall
 - (1) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior,
 - (2) Establish procedures to ensure that information obtained from all such sources is documented and carefully considered,
 - (3) Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and
 - (4) Ensure that the placement decision is made in conformity with Section 104.34.
- (d) Reevaluation. 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 Individuals with Disabilities Education Act is one means of meeting this requirement.

Sec. 104.36 Procedural safeguards.

A recipient that operates a public elementary or secondary education program 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 Individuals with Disabilities Education Act is one means of meeting this requirement.

Sec. 104.37 Nonacademic services.

- (a) General.
 - (1) A recipient to which this subpart applies shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities.
 - (2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide

assistance to persons with disabilities, and employment of students, including both employment by the recipient and assistance in making available outside employment.

- (b) Counseling services. A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of disability. The recipient shall ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.
- (c) Physical education and athletics.
 - (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of disability. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified students with disabilities an equal opportunity for participation in these activities.
 - (2) A recipient may offer to students with disabilities physical education and athletic activities that are separate or different from those offered to nondisabled students only if separation or differentiation is consistent with the requirements of Section 104.34 and only if no qualified student with a disability is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

Sec. 104.38 Preschool and adult education programs. ...

Sec. 104.39 Private education programs. ...

Americans with Disabilities Act Amendments Act of 2008 (Federal Law)

Text of amendments passed September 25, 2008 (selected portions)

Public Law 110-325, September 25, 2008

Effective January 1, 2009

An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

- (b) Purposes. The purposes of this Act are -
 - (1) to carry out the ADA's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by reinstating a broad scope of protection to be available under the ADA;
 - (5) ..., to convey that it is the intent of Congress that the primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations, and to convey that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis; and ...

Sec. 4. Disability Defined and Rules of Construction.

- (a) Definition of Disability. Section 3 of the Americans with Disabilities Act of 1990 is amended to read as follows:

"As used in this Act:

- (1) Disability. The term 'disability' means, with respect to an individual -
 - (A) A physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (B) A record of such an impairment; or
 - (C) Being regarded as having such an impairment (as described in paragraph 3).

- (2) Major Life Activities.
 - (A) In general. For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
 - (B) Major Bodily Functions. For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- (3) Regarded as Having such an Impairment. For purposes of paragraph (1)(C):
 - (A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 - (B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.
- (4) Rules of Construction Regarding the Definition of Disability. The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:
 - (A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.
 - (B) The term 'substantially limits' shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.
 - (C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
 - (D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
 - (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 as:
 - (I) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (II) Use of assistive technology;
 - (III) Reasonable accommodations or auxiliary aids or services; or
 - (IV) Learned behavioral or adaptive neurological modifications.
 - (iii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
 - (iv) As used in this subparagraph –
 - (I) The term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (II) The term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image."
- (b) Conforming Amendment. – The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

Sec. 4. Additional Definitions.

“As used in this Act:

- (1) Auxiliary Aids and Services. – The term ‘auxiliary aids and services’ includes –
 - (A) Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
 - (B) Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
 - (C) Acquisition or modification of equipment or devices; and
 - (D) Other similar services and actions. ...”

The Americans with Disabilities Act Amendments Act of 2008 specifically states that all of its changes also apply under Section 504 of the Rehabilitation Act. Section 504 must conform to all new standards. At this time, the Department of Education is not required to rewrite the implementing federal regulations for Section 504.

Individuals with Disabilities Education Act (Federal Law)

34 C.F.R. Part 300 (selected portions)

Reauthorized 2004, Regulations Issued August 2006.

Subpart A – General.

Sec. 300.8 Child with a Disability.

(a) General.

- (1) Child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, 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, **specific learning disability**, deaf-blindness, or multiple disabilities, and who, by reason thereof, **needs special education and related services**.
- (2) (i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.304 through 300.311, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part...

- (b) Definitions of disability terms. The terms used in this definition of a child with a disability are defined as follows:

(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, **dyslexia**, and developmental aphasia.
- (ii) Disorders **not** included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

From TEA, *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* – 2018 Update, pgs. 33-34:

"A student with dyslexia has a disability under IDEA if the student meets the criteria for a specific learning disability 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 IEP documents. For more information, please visit <https://www2.ed.gov/policy/speced/guid/idea/memosdcitrs/guidance-on-dyslexia-10-2015.pdf>

A 2018 *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%20TEA/News%20and%20Multimedia/Correspondence/TAA%20Letters/Provision%20of%20Services%20for%20Students%20with%20Dyslexia%20and%20Related%20Disorders%20-%20Revised%20June%206,%202018/)

In IDEA, dyslexia is considered one of a variety of etiological foundations for specific learning disability (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."

Appendix D: IDEA and 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
LEGAL CITATION	20 USC 1400 34 CFR Part 300	29 USC 794 34 CFR Part 104
TYPE OF STATUTE	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.
MAJOR PROVISIONS/PURPOSE	<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</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"> • Excluded from participation in; • Denied the benefits of; or • Be subjected to discrimination under any program or activity receiving federal financial assistance. <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>

	general curriculum. This is provided free of charge to the parent.	
ELIGIBLE INDIVIDUALS: CHILD WITH A DISABILITY/ QUALIFIED DISABLED PERSON	<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 not a child with a disability under this part.</p> <p style="text-align: right;">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, dyslexia, 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: right;">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</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"> (i) of an age during which non- disabled persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to disabled persons, or (iii) to whom a state is required to provide a free appropriate public education under §612 of the IDEA; <p>AND</p> <p>Any person who:</p> <ul style="list-style-type: none"> (1) has a mental or physical impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. <p style="text-align: right;">Regulation: 34 CFR §104.3(k)(2), (j)(1)</p> <ul style="list-style-type: none"> • Extends to parochial and other private schools that receive federal hot lunch, Title I, and/or IDEA program services; • Does NOT apply to home schooled children. <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 dyslexia and is substantially limited in reading finds it challenging to read the required class material in a timely manner.”</p> <p style="text-align: right;">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 & 9, Jan. 19, 2012.</p>

	<p>evaluation, eligibility determinations, or IEP documents.”</p> <p><i>Dear Colleague Letter</i>, 66 IDELR 188, (OSERS, 2015)</p> <ul style="list-style-type: none"> • Extends, as a district obligation, to unilaterally placed students in private schools; and • To a much lesser extent, to those voluntarily placed in such schools. <p>Regulation: 34 CFR §300.148; §300.129-300.147</p>	<p>Major Life Activities:</p> <p>Under §504, major life activities include but are not limited to:</p> <ul style="list-style-type: none"> • Learning • Reading • Writing • Concentrating • Communicating • Thinking <p>Note: This is not an inclusive list of major life activities.</p> <p>Regulation: 34 CFR §104.3(j)(2); ADA 2008, 42 USC §12102(2)(A)(B)</p> <p>Substantial Limitation:</p> <p>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> <ul style="list-style-type: none"> (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; (II) Use of assistive technology; (III) Reasonable accommodations or auxiliary aids or services; or (IV) Learned behavioral or adaptive neurological modifications. <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</i></p>
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CHILD FIND	<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 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, <i>even though they are advancing from grade to grade</i>; 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>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>(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>
PARENTAL CONSENT	<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>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 initial 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;</p> <p><i>OCR Senior Staff Memorandum</i>, 19 IDELR 892, OCR 1992.</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>	
PARENT PARTICIPATION	<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>
PROCEDURAL SAFEGUARDS: PRIOR WRITTEN NOTICE	<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> <ul style="list-style-type: none"> (A) A description of the action proposed or refused by the agency; (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; (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; (D) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (E) A description of other options considered by the IEP Team and the reason why those options were rejected; and (F) A description of the factors that are relevant to the agency's proposal or refusal. <p>P.L. 108-446 §615(c)(1)(A-F) Regulation: 34 CFR §300.503</p>	<p>Although §504 regulations do not specifically require written 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 "prior written notice" addressed in regulation.</p>

<p>PROCEDURAL SAFEGUARDS: NOTICE OF RIGHTS</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> <ol style="list-style-type: none"> (1) Upon initial referral or parent request for evaluation; (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; (3) In accordance with the discipline procedures in §300.530(h); and (4) Upon request by a parent. <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, §§300.530 through 300.536 and §§300.610 through 300.625 relating to –</p> <ol style="list-style-type: none"> (1) Independent educational evaluations; (2) Prior written notice; (3) Parental consent; (4) Access to education records; (5) Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including – <ol style="list-style-type: none"> (i) The time period in which to file a complaint; (ii) The opportunity for the agency to resolve the complaint; and (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; (6) The availability of mediation; 	<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 style="text-align: right;">Regulation: 34 CFR §104.36</p> <p>No other <i>"notice of rights"</i> addressed in regulations.</p>
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	<p>(7) The child's placement during the pendency of any due process complaint;</p> <p>(8) Procedures for students who are subject to placement in an interim alternative educational setting;</p> <p>(9) Requirements for unilateral placement by parents of children in private schools at public expense;</p> <p>(10) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;</p> <p>(11) State-level appeals (if applicable in the State);</p> <p>(12) Civil actions, including the time period in which to file those actions; and</p> <p>(13) Attorneys' fees.</p> <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>	
INITIAL EVALUATIONS	<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>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>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>"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>
TIMELINES	<p>Initial evaluations shall be completed within 60 days of receiving parental consent for the evaluation, or, if State establishes a timeframe, 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>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>Texas Timelines: TAC §89.1011(b – h). 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>“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>
<p>FREE APPROPRIATE PUBLIC EDUCATION (FAPE)</p>	<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 educational benefit.</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>USDOE, <i>Q&A on U.S. Supreme Court Case Decision 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>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^d 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> <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</p>

	<p>(a) General.</p> <p>(1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, 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>(ii) Includes special physical education, adapted physical education, movement education, and motor development.</p> <p>(3) Specially designed instruction 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 style="text-align: right;">Regulation: 34 CFR §300.39</p>	<p>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 style="text-align: right;">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. Special education may include specially designed instruction 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, 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. ...</p> <p style="text-align: right;">Regulations: 34 CFR Part 104, Appendix A to Part 104 Subpart D – Preschool, Elementary, and Secondary Education, Question 23, FAPE.</p>
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<p>MULTI-DISCIPLINARY TEAM ; IEP TEAM (ARD)/§504 COMMITTEE</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 style="text-align: right;">P.L. 108-446 §614(d)(1)(B) Regulation: 34 CFR §300.306, 300.321</p> <p>The determination of whether a child suspected of having a specific learning disability 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>(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 style="text-align: right;">Regulation: 34 CFR §300.308</p> <p>In the case of a student with dyslexia, the IEP (ARD) Committee must include a member with knowledge regarding:</p> <ul style="list-style-type: none"> • The reading process • Dyslexia and related disorders 	<p>Group of individuals knowledgeable about the student, evaluations, and placement options. (Minimum of 2 people). 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 style="text-align: right;">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 must include a member with knowledge regarding:</p> <ul style="list-style-type: none"> • The reading process • Dyslexia and related disorders • Dyslexia instruction • District or charter school, state, and federal guidelines for assessment. <p style="text-align: right;"><i>The Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders</i>, Updated 2018 pg. 30</p>
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	<ul style="list-style-type: none"> • Dyslexia instruction • District or charter school, state, and federal guidelines for assessment. <p><i>The Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders, Updated 2018, pg. 30.</i></p> <p>In Texas, the IEP Team is referred to as the Admission, Referral, and Dismissal (ARD) Committee.</p>	
DOCUMENTATION OF ELIGIBILITY, SERVICES, AND PLACEMENT	<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"> (1) A statement of the child’s present levels of academic achievement and functional performance, (2) A statement of measurable annual goals, including academic and functional goals designed to – <ol style="list-style-type: none"> (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 (B) Meet each of the child’s other educational needs that result from the child’s disability. (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; (4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed 	<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>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 any 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>	
NOTICE OF THE RIGHT TO AN OUTSIDE INDEPENDENT EVALUATION	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	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

	<p>impartial hearing and the district's evaluation is found to be appropriate.</p> <p>Regulation: 34 CFR §300.502</p>	<p>opined that, in interpreting data and making placement decisions, a district must 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.</p> <p>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.</p> <p><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> <p>(1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and</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 <u>all</u> students with disabilities. The term "<i>students with disabilities</i>" includes students identified under Section 504 by school districts and charter schools.</p> <p>Regulation: 34 CFR §361.5(c)(42), (51)</p>

	<p>(2) The transition services (including courses of study) needed to assist the child in reaching those goals. 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>	
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 with the use of supplementary aids and services cannot be achieved satisfactorily." Regulation: 34 CFR §300.114(a)(2)</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 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>
RE-EVALUATION	<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>
DUE PROCESS	<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</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>

	<p>the alleged action that forms the basis of the complaint.</p> <p>P.L. 108-446 §615(b)(6)(A-B) Regulations: 34 CFR §300.506 – 34 CFR §300.516</p>	
PROGRAM ACCESS	<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.</p> <p>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.</p> <p>Regulation: 34 CFR §104.4</p>
COMPLIANCE AND ENFORCEMENT	<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.</p> <p>Disputes: Independent Hearing Officer is SEA responsibility. Detailed requirements for hearings. Hearing results available on TEA website.</p> <p>SEA Responsibility: State complaint system LEA Responsibility: Special Education Director</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.</p> <p>Disputes: Independent Hearing Officer is LEA responsibility. Skeletal requirement for hearings. Published results rare.</p> <p>LEA Responsibility: §504 District Coordinator</p>

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

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>

DESCRIPTORS OF EVALUATION TOOLS

CTOPP-2, COMPREHENSIVE TEST OF PHONOLOGICAL PROCESSING, 2ND EDITION, is an individually administered assessment of phonological awareness, phonological memory and rapid naming in English. A deficit in one or more of these kinds of phonological processing abilities is viewed as the most common cause of learning disabilities in general, and of dyslexia in particular. The CTOPP-2 has four principal uses: (1) to identify individuals who are significantly below their peers in important phonological abilities, (2) to determine strengths and weaknesses among developed phonological processes, (3) to document individuals' progress in phonological processing as a consequence of special intervention programs, and (4) to serve as a measurement device in research studies investigating phonological processing. There are two versions of the test so that it may be used for students ages 4-0 through 24-11.

GORT-5, GRAY ORAL READING TEST, 5TH EDITION, is an individually administered test for assessing and identifying students with reading difficulties. The GORT-5 can be used in identifying students who may need more intensive or explicit instruction in reading in order to make adequate progress in reading facility and/or comprehension. The GORT-5 is also used for diagnosing reading disabilities. The test can be used as part of a battery of tests for diagnosis of specific reading disabilities in children through young adults. Finally, the GORT-5 is used in determining strengths and weaknesses and comparing intra-individual reading skills (e.g., reading rate vs. comprehension) and to help tailor interventions to the student's specific needs. It may be used for students ages 6-0 through 23-11.

TWS-5, TEST OF WRITTEN SPELLING, 5TH EDITION, is an accurate and efficient instrument that uses a dictated-word format to assess spelling skills in school-age children and adolescents. The results of the TWS-5 can be used to identify students whose scores are significantly below those of their peers and who might need interventions designed to improve spelling proficiency, to document overall progress in spelling as a consequence of intervention programs, and to serve as a measure for research efforts designed to investigate spelling. This test is used on students ages 6 through 18 years.

WRMT-III, WOODCOCK READING MASTERY TESTS, 3RD EDITION, helps assess reading readiness and reading achievement. It is used for students in grades K-12 or children and adults ages 4:6 through 79:11. The WRMT-III helps evaluate struggling readers, identify specific strengths and weaknesses in reading skills to plan targeted remediation, guide educational selection and placement decisions, screen for reading readiness, and determine reading strategies for students with special needs. Subtests include phonological awareness, listening comprehension, letter identification, word identification, rapid automatic naming, oral reading fluency, word attack, word comprehension, and passage comprehension.

OTHERS – as determined appropriate to address the student's individual needs.

DYSLEXIA – ASSOCIATED TERMS

ACCELERATED READING INSTRUCTION: Intensified, research-based, reading instruction that addresses the student's reading needs that were determined by 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 district or 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 response mode. 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, place 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 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 pre-identification 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)/familia (Portuguese)/famiglia (Italian)/famille (French)/familia (Catalan)/familie (Romanian)].

CROSS-LINGUISTIC: Relates 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 or may not 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 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: 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 (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 READING INSTRUCTION: "An activity, strategy, or intervention that –

- Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on (1) strong evidence from at least 1 well-designed and well-implemented experimental study; (2) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or (3) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or
- (1) 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 (2) includes ongoing efforts to examine the effects of such activity, strategy, or intervention." (ESSA, 2015, pp. 388-389).

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 individual 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 non-academic 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, as the word **book**. A morpheme is also a component of a word, as "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 words 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 five minutes) probe that is done frequently (weekly or biweekly) in order to make instructional changes in a timely fashion.

RECOMMENDATION FOR EVALUATION FOR DYSLLEXIA: Recommendation by the teacher, district or charter school staff, and/or the parent or guardian that a student be evaluated for dyslexia. Following the recommendation, the district or charter school must adhere to its written procedures and the procedures within the handbook.

RESPONSE TO INTERVENTION: 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 standard [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.