



Dyslexia Coordinators' Meeting
October 11, 2018-Workshop # 92616
Falcon Dam Room
1:00p.m. – 4:00p.m.
AGENDA

- Welcome
- Update Coordinators' Contact List
- "State" of Dyslexia - Message from Melanie Royal, State Dyslexia Coordinator
- Review Audioconference-Walsh Gallegos Law Firm
- TCASE Dyslexia TEA Panel Summary – Q & A
- FAQ-Network
- Updates on Dyslexia Handbook Revision

- Handouts/Forms:
 - TCASE Dyslexia TEA Panel Summary of Q & A
 - Text Adopted to Amendment to 19 TAC - Chapter 74. Curriculum Requirements
 - Parental Request for Exit from Dyslexia Therapy Services (Copyright ERICC, 2018)
 - Dyslexia Therapy Program Exit Criteria (Copyright ERICC, 2018)

- Invited Speaker: Jenny Gomez, Sales Executive-Voyager Sopris Learning
Carol Ochs, Presenter-Voyager Sopris Learning



Alyssa Milano broke out into the acting scene at an early age, when she was on Broadway at age eight. But all her success was very difficult for her to achieve. Milano is dyslexic, and for her, memorizing lines and reading scripts hasn't always come easy. She credits a fellow thespian for helping her find a coping strategy for her reading disability. "When I asked him how he memorized his monologues, he said, 'I write them down,'" Milano recalled in 2003. "I use that method to this day says Milano. It not only familiarizes me with my words, it makes them my own."

TCASE Dyslexia Panel - July 25, 2018

(Summary of Q and A provided during TEA portion of panel discussion)

Question to Tammy Percy, Assistant State Director, Special Education: Can you give us a brief explanation and timeline of the events that have occurred since the OSEP visit last year resulting in the Special Education Strategic Plan and Corrective Action Response sent to OSEP? Additionally, can you speak to the issues raised in the OSEP findings letter in which Corrective Action 2c addresses through additional data collection?

Answer: OSEP visited 12 Texas districts during the week of February 27, 2017 due in part to concerns raised during the fall of 2016 regarding the number of students receiving special education services. A letter of findings was received from OSEP on January 11, 2018 citing 3 specific areas of noncompliance and requiring 4 corrective actions or next steps the State is required to produce documentation or evidence of completion to OSEP. TEA produced and provided a draft Special Education Strategic Plan to Governor Abbott on January 17, then subsequent versions based on extensive stakeholder input were developed with the current and final version published on April 23, 2018. The Corrective Action Response document was also finalized and provided to OSEP on April 23 and contains 15 essential corrective actions the State identifies it must make to comprehensively address the 3 citations and 4 corrective actions or next steps identified in the letter of findings the State received. As Justin Porter addressed in the State of the State presentation yesterday morning, there are 4 of the 15 essential corrective actions that requires specific district action during the 2018-19 school year.

Corrective action 2.c. addresses OSEP's associated Corrective Action/Next Steps that requires a plan and timeline by which TEA will ensure that each ISD will (i) identify, locate, and evaluate children enrolled in the ISD who should have been referred for an initial evaluation under the IDEA, and (ii) require IEP Teams to consider, on an individual basis, whether additional services are needed for children previously suspected of having a disability who should have been referred for an initial evaluation and were later found eligible for special education and related services under the IDEA, taking into consideration supports and services previously provided to the child.

This will require additional aggregate data to be reported in the SPP 11 collection. TEA along with the 20 regional centers will be providing additional information and support throughout this fall and spring to help districts understand collection requirements for the 2018-19 school year data that will be reported through the SPP application when it opens in June of 2019.

Question: Can you update us on the activities relating to possible revisions and expected timelines for any changes to the Dyslexia Handbook?

Answer: The Dyslexia Handbook (Handbook) committee is currently meeting and spending particular time on reviewing any revisions to screening and to the identification sections of the Handbook. Other language concerns or issues found in the current Handbook version are being addressed as well. The goal is to have any revisions proposed to the Board during the September meeting. The next meeting of the Board will be in November, so the committee hopes to have all changes and updates passed through the Board no later than November.

Question: Must a school district refer every student suspected of having dyslexia for a full individual and initial evaluation under the IDEA?

Answer: No. Schools should consider data and information for each individual student and determine the most appropriate next step. This data-based discussion should include a team of knowledgeable persons, including parents, that could result in a referral under IDEA, Section 504, or continuation of tiered intervention. The decision to refer a student for a full individual and initial evaluation under the IDEA for any suspected disability should be made individually for each student.

Team members might include:

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

Question: How will school teams know whether a student should be referred for a dyslexia evaluation through Section 504 or IDEA?

Answer: Teams must make data informed decisions for every student, on an individual basis, every time. They must consider all available resources and services. A student suspected of having a disability that is adversely affecting educational performance and likely needs an individualized education program that is specifically tailored to his or her unique needs should be referred for a full and individual initial evaluation under the IDEA. If the team suspects that student will respond well to dyslexia services provided to other students through general education, then that student may be referred for a Section 504 evaluation.

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

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

Question: Is instruction as described in The Dyslexia Handbook automatically considered “specially designed instruction” or “special education” as it is defined in the IDEA?

Answer: No, not automatically. Required dyslexia instruction as described in the dyslexia handbook is not in and of itself considered “special education” or “specially designed instruction” in the context of IDEA.

In the current Dyslexia Handbook Chapter III: Instruction for Students with Dyslexia describes the reading instruction that must be in place to serve students identified with dyslexia and the requirement for highly structured and systematic delivery provided by trained staff who implement dyslexia services with fidelity.

A student who qualifies for special education has an individualized education program (IEP) developed by an ARD committee that is specially designed to meet his or her unique needs

rather than aligned with groups of students with similar learning challenges. However, for a student with dyslexia who qualifies for special education and whose ARD committee has determined participation in dyslexia services as part of the IEP must include, as appropriate, the reading instruction that matches the critical evidence-based components of dyslexia instruction currently found in Chapter III of the Dyslexia Handbook.

Therefore, instruction provided as described in the current Dyslexia Handbook and included in the IEP may be considered "specially designed instruction" or "special education" in this circumstance as determined by the ARD committee.

Question: Do all students who are served under section 504 in dyslexia intervention programs need to be referred for a Full individual and initial evaluation under IDEA?

Answer: No. LEAs need to review the progress and individual data for students with dyslexia receiving services under Section 504. All students receiving interventions should be subject to ongoing progress monitoring and data-based decision making. If an individual student is making adequate progress with current services, it is unlikely that they would require special education services and an evaluation under the requirements of IDEA would not apply. If, however, a student is not responding to the dyslexia services as expected a referral for special education may be necessary.

(Tammy) Furthermore, to address the "all" or "every" student part of this question, I'd like to provide additional context to the answer "no" Deanna gave in response to this question by pointing to the key findings and subsequent language from OSEP found in the January 11 letter we received.

(Slide 2) – On page 4 of the OSEP letter, you will find the 3 specific findings and statement that OSEP identified situations where ISDs engaged in practices that violated the IDEA's child find requirements, particularly in situations in which ISDs provided supports to struggling learners in the general education environment through mechanisms including RTI, Section 504, and the State dyslexia program, even though the students were suspected of having disabilities AND needing special education and related services under the IDEA. To be clear, OSEP nor TEA has communicated in any way that all struggling learners in the general education environment or those learners who are receiving supports through RTI, Section 504, or State Dyslexia services should automatically receive an FIIE and be considered for special education services. Nor has OSEP assumed that all ISDs are engaged in practices that violate IDEA child find requirements due to delays from inclusion in general education supports.

(Slide 3 and 4) Rather OSEP in their letter of findings and attached enclosure repeatedly and clearly state the IDEA's child find requirements to identify, locate, and evaluate all children with disabilities residing in the State who are suspected of having disabilities AND needing special education and related services under the IDEA. Here are a couple of excerpts found additionally on pages 4 and 10 of the enclosure to the OSEP letter.

Question: Are dyslexia services for students receiving special education considered general education setting or a special education setting?

Answer: It depends. Instructional arrangement or setting refers to the location of special education services. The instructional arrangement or setting code is determined by the location and for some codes, the amount of time in that location. Typically, if a student receives dyslexia services in a setting designed for providing special education only to other students who are also receiving special education services under the IDEA then the location is special education. If a student receives dyslexia services, in accordance with his or her IEP, in a setting designed

to provide educational services to both students who are not receiving special education services and students who are identified through special education for services, then the setting is considered general education. In either setting, qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student, and/or the student's regular classroom teacher(s).

Question: What credentials and trainings are required for the dyslexia specialists/teachers who may be serving both special education and 504 students, and the special education teacher who may be serving special education students identified with dyslexia?

Answer: A person may not be employed as a teacher by a school district unless the person holds an appropriate certificate or permit outlined in law. Texas Education Code (TEC) Section 21.044, as amended through legislative action in the 82nd legislature in 2011, provides that the State Board for Educator Certification propose rules establishing the training requirements and minimum academic qualifications a person must possess to obtain a certificate. The act establishes that the minimum academic qualifications require a person to possess a bachelor's degree and that the person receive, as part of the training to obtain that certificate, instruction in detection and education of students with dyslexia. Additionally, TEC Section 21.054(b) and Texas Administrative Code (TAC) Section 232.11 mandates continuing education requirements for educators who teach students with dyslexia.

Furthermore, TAC Section 74.28(c) requires teachers who screen and treat students with dyslexia to be trained in instructional strategies which utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the Dyslexia Handbook. Each school must provide an identified student access at his/her campus to an instructional program that meets the requirements in TAC Section 74.28(c) and to the services of a teacher trained in dyslexia and related disorders.

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

Please refer to the State Dyslexia Handbook for additional questions and answers.
<https://tea.texas.gov/academics/dyslexia/>

Text of Adopted Amendment to 19 TAC
Chapter 74. Curriculum Requirements
Subchapter C. Other Provisions

§74.28. Students with Dyslexia and Related Disorders.

- (a) In order to support and maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal and state law, school districts and open-enrollment charter schools shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.
- (b) The board of trustees of a school district or the governing body of an open-enrollment charter school must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to the student are implemented in the district.
- (c) A school district's or open-enrollment charter school's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," a set of guidelines for school districts and open-enrollment charter schools that may be modified by the SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state.
- (d) Screening as described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.
- (e) A school district or open-enrollment charter school shall purchase a reading program or develop its own evidence-based reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." The professional development activities specified by each open-enrollment charter school and district and/or campus planning and decision making committee shall include these instructional strategies.
- (f) At least five school days before any evaluation or identification procedure is used selectively with an individual student, the school district or open-enrollment charter school must provide written notification to the student's parent or guardian or another person standing in parental relation to the student of the proposed identification or evaluation. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:
 - (1) a reasonable description of the evaluation procedure to be used with the individual student;
 - (2) information related to any instructional intervention or strategy used to assist the student prior to evaluation;
 - (3) an estimated time frame within which the evaluation will be completed; and
 - (4) specific contact information for the campus point of contact, relevant Parent Training and Information Projects, and any other appropriate parent resources.
- (g) Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), the school district or open-enrollment charter school must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent

with 34 Code of Federal Regulations (CFR), §300.503, provide all information required under subsection (f) of this section, and provide:

- (1) a copy of the procedural safeguards notice required by 34 CFR, §300.504;
 - (2) an opportunity to give written consent for the evaluation; and
 - (3) a copy of information required under Texas Education Code (TEC), §26.0081.
- (h) Parents/guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by TEC, §26.0081(d), and options under federal law, including IDEA and the Rehabilitation Act, §504.
- (i) Each school or open-enrollment charter school must provide each identified student access at his or her campus to instructional programs required in subsection (e) of this section and to the services of a teacher trained in dyslexia and related disorders. The school district or open-enrollment charter school may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.
- (j) Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district and open-enrollment charter school as outlined in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." School districts and open-enrollment charter schools may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.
- (k) Each school district and open-enrollment charter school shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program must include:
- (1) awareness and characteristics of dyslexia and related disorders;
 - (2) information on testing and diagnosis of dyslexia and related disorders;
 - (3) information on effective strategies for teaching students with dyslexia and related disorders;
 - (4) information on qualifications of those delivering services to students with dyslexia and related disorders;
 - (5) awareness of information on accommodations and modifications, especially those allowed for standardized testing;
 - (6) information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act, §504, and information on the response to intervention process; and
 - (7) contact information for the relevant regional and/or school district or open-enrollment charter school specialists.
- (l) School districts and open-enrollment charter schools shall provide to parents of children suspected to have dyslexia or a related disorder a copy or a link to the electronic version of the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."
- (m) School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section.

Statutory Authority: The provisions of this §74.28 issued under the Texas Education Code, §7.102(c)(28) and §38.003.

Amended to be effective August 27, 2018, 43 TexReg 5519.

INDEPENDENT SCHOOL DISTRICT

PARENTAL REQUEST FOR EXIT FROM
DYSLEXIA THERAPY SERVICES

Student: _____ ID#: _____ DOB: _____ Grade: _____ Campus: _____

My child is currently receiving dyslexia therapy services through the _____ ISD dyslexia program.

At this time, I am requesting that my child be *removed and no longer receive dyslexia therapy services*.

Explanation: _____

Please initial the following *declining* further services in the dyslexia therapy program.

_____ (Parent Initials *Declining* continued dyslexia therapy services)

My signature below indicates that I have been provided with information concerning placement options and the provision of services to meet my child's continued dyslexia-related needs. My child will be removed from dyslexia therapy services. If in the future my child needs additional services, I understand that my child will be re-evaluated to determine appropriate services and placement.

Signature of Parent

Date

INDEPENDENT SCHOOL DISTRICT

DYSLEXIA THERAPY SERVICES EXIT CRITERIA

Student: _____ ID#: _____ DOB: _____ Grade: _____ Campus: _____

Dyslexia therapy services exit must be based on a comprehensive and thorough consideration of a preponderance of student data that meets most or all the criteria outlined below. Either the Campus §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 therapy services if a preponderance of evidence is available to support such decision.

- Yes No 1. Student has met standards on the STAAR/EOC Reading and Writing tests for at least two years;
AND
- YES No 2. Student is reading at grade level as measured by a Reading Inventory Measure from the District's dyslexia therapy services and classroom administered fluency checks;
AND
- YES No 3. The student has completed/mastered all the objectives in the District's dyslexia therapy services;
AND
- YES No 4. Student's reading teacher indicates student's grades and performance in the regular reading program demonstrate that there is no longer an educational need for placement through the dyslexia therapy services;
AND
- YES No 5. Student's dyslexia teacher, regular reading program teacher (or ELA teacher) and parent are in agreement that student no longer has an educational need for the dyslexia therapy services.
- YES No
 N/A 6. Student demonstrates minimal to no measureable progress in the District's dyslexia therapy services and/or an inability to grasp the concepts taught in the program 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 program's interventions on student learning. This lack of progress must be documented in either the student's §504 committee minutes or ARD minutes. Student must be referred for further evaluation.
- YES No
 N/A 7. Factors such as behavior and/or absenteeism prevent the student from benefiting from the District's dyslexia therapy services. 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 §504 committee minutes or ARD minutes along with documentation indicating District remediation.

A student exited from the dyslexia therapy services will continue to be monitored by the dyslexia teacher on a six-week basis and may continue to require an Individual Accommodation Plan to be implemented in the general education classroom. All students receive an annual review by either the Campus §504 Committee or ARD Committee.

A student who has been exited from the dyslexia therapy services and begins to show regression may be reinstated back into the dyslexia therapy services by either the Campus §504 Committee or ARD Committee.

- | | | |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> YES | <input type="checkbox"/> No | 1. This 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 §504 or Special Education folder. |
| <input type="checkbox"/> YES | <input type="checkbox"/> No | 3. A parent conference was held prior to this committee decision so as 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 dyslexia therapy services. Parent has withdrawn consent. |

Based on the above noted data, the §504 Committee or ARD Committee has exited this student from district dyslexia therapy services services, effective _____ (date).

This placement decision was made by a legally constituted Campus §504 Committee or ARD Committee.

COMMITTEE SIGNATURES:

§504 COMMITTEE MEMBERSHIP: List each member attending the §504 meeting and check the area of knowledge they provide. Each area of knowledge *must* be present on the committee. (This placement decision was made by a group of persons including those knowledgeable about this student, the meaning of the evaluation data, and the placement options. For students being evaluated for Dyslexia, someone who has been trained and is knowledgeable about Dyslexia must also be included. This Committee realizes that §504 does not exempt any student from state-mandated tests and that mastery of the grade level TEKS continues to be a requirement.)

NAME/SIGNATURE	POSITION/TITLE	KNOWLEDGE OF...
_____	_____	<input type="checkbox"/> Child
		<input type="checkbox"/> Evaluation data <input type="checkbox"/> Reading Process <input type="checkbox"/> Dyslexia
		<input type="checkbox"/> Placement options <input type="checkbox"/> Dyslexia Instruction
_____	_____	<input type="checkbox"/> Child
		<input type="checkbox"/> Evaluation data <input type="checkbox"/> Reading Process <input type="checkbox"/> Dyslexia
		<input type="checkbox"/> Placement options <input type="checkbox"/> Dyslexia Instruction
_____	_____	<input type="checkbox"/> Child
		<input type="checkbox"/> Evaluation data <input type="checkbox"/> Reading Process <input type="checkbox"/> Dyslexia
		<input type="checkbox"/> Placement options <input type="checkbox"/> Dyslexia Instruction
_____	_____	<input type="checkbox"/> Child
		<input type="checkbox"/> Evaluation data <input type="checkbox"/> Reading Process <input type="checkbox"/> Dyslexia
		<input type="checkbox"/> Placement options <input type="checkbox"/> Dyslexia Instruction