

Welcome Dyslexia Coordinators!



The “State” of Dyslexia

**23rd Annual State Dyslexia Summer Institute
July 19, 2018**



OSERS

CAP

SAP

504

IDEA

FIE

TAA

Focus
is on
dyslexia!



Let's keep it positive!

- Dyslexia is being discussed like never before at the local, regional, and state level.
- State-wide screening is in place.
- Increased focus on identification.
- Students potentially identified earlier.
- Potential for more early intervention.
- Potential to get more teachers trained.

So, what do
we know for
sure?



1. There are no new
federal laws.

*What is new
interpretations.*

2. Dyslexia may be identified as a disability under Section 504.
3. Dyslexia may be identified as a disability under IDEA.

4. All decisions regarding evaluation, identification, and instruction for a student suspected of having a disability should be made on a case-by-case basis.

- Decisions should always be made by a multi-disciplinary team.
- Decisions should be data-driven.
- Parents should be included at all levels.

What resources do we have, or will we have, to help with guidance?

✓ **Texas State Dyslexia Handbook:**

- still in effect, until the State Board of Education approves an update or revision.

Handbook Committee

- Three sub-committees:
 - Screening, Identification, Related Disorders
- Committee representation
 - Public school, MSL trainers, special education/diagnosticians, Section 504, higher education, Education Service Centers, ELL representatives, and parents.

✓ **Special Education Strategic Plan**

TRAINING, SUPPORT AND DEVELOPMENT

Professional Development:

TEA will include training related to Section 504, especially as it relates to the differences between Section 504 and IDEA, and considerations for appropriate placement. TEA will also address appropriate dyslexia identification and placement of students, and other best practices as outlined in the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook).

✓ **Special Education Strategic Plan**

TRAINING, SUPPORT AND DEVELOPMENT

Professional Development:

Dyslexia Specific Support: TEA will improve services for students with dyslexia by providing LEAs with improved training regarding the interplay between the state's dyslexia program, services provided under Section 504, and services provided by special education, as well as how students with dyslexia should be effectively served in these programs commensurate with individual students' needs (p. 20).

✓ **Special Education Strategic Plan**

TRAINING, SUPPORT AND DEVELOPMENT

Child Find Resource Development (CA: 3.c.):

TEA will release an RFP to create a suite of resources which would describe the differences between Rtl, the state dyslexia program (for dyslexia or dyslexia-related needs), Section 504, and the IDEA (p. 19).

✓ **Special Education Strategic Plan**

TRAINING, SUPPORT AND DEVELOPMENT

Dyslexia and Related Disorders Reporting Study:

TEA is in the process of contracting for a study on the reporting of students with dyslexia and related disorders through PEIMS. The objective of this project is to examine how LEAs identify and report students as having dyslexia or related disorders (p. 21).

**What are some things
we might consider
doing in our LEAs?**

- **Be proactive not reactive!**
- **Develop collaborative relationships.**
- **Add to the tools in the toolbox.**
- **Stay student focused!**

Contact Information

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A red starburst graphic with multiple sharp points, containing the text 'COMING SOON!' in white.

**COMING
SOON!**

**THE
DYSLEXIA
HANDBOOK
REVISED**

Dyslexia Handbook Status

As some of you are probably aware by now the **Dyslexia Handbook draft has been posted!!** The following is on the TEA website. Please consider forwarding to your stakeholders.

Feedback Regarding Updates to the Dyslexia Handbook

The State Board of Education (SBOE) tasked a committee with making recommendations for updates to *The Dyslexia Handbook – Revised 2014: Procedures Concerning Dyslexia and Related Disorders* (Dyslexia Handbook) to address recent legislative changes and to clarify processes regarding identification and services for students. The SBOE is scheduled to approve updates to the handbook at its meeting on November 16.

Educators, parents, and community members are invited to review the updates and provide TEA with specific feedback or recommendations related to the draft before it is approved by the SBOE.

DRAFT: *The Dyslexia Handbook – 2018 Update: Procedures Concerning Dyslexia and Related Disorders*

Please submit feedback and/or proposed recommendations to TEA at dyslexia@tea.texas.gov. We ask that you be as specific in your feedback as possible. The deadline for submitting feedback for consideration is **Monday, October 29, 2018 at 5:00 p.m.**

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Draft

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New Addition:

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 “equal opportunity” 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>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>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,</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>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>Letter to Veir, 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>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, ADA 2008; USDOE, OCR, <i>FAQ on the ADA of 2008 for Students with Disabilities attending Public Elementary and Secondary Schools</i>, FAQ 7 & 9, Jan. 19, 2012.</p>

	<p>dyscalculia, and dysgraphia in IDEA 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: 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); ADAAA 2008, 42 USC §12102(2)(A)(B)</p> <p>Substantial Limitation: Not defined in §504 regulations; however, guidance and basic rules of construction from the ADAAA 2008 indicate that:</p> <p>(A) “Substantial limitation” shall be construed in favor of broad coverage.</p> <p>(E) (i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such –</p> <p>(I) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs or devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;</p> <p>(II) Use of assistive technology;</p> <p>(III) Reasonable accommodations or auxiliary aids or services; or</p> <p>(IV) Learned behavioral or adaptive neurological modifications.</p> <p>ADAAA 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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		<p><i>Resource Guide for §504 in Public Elementary and Secondary Schools</i>, Pg. 14, December 2016; 28 CFR §35.108(d)(3)(iii); 29 CFR pt. 1630, App. (EEOC Interpretive Guidance on Title I of the ADA), March 25, 2011.</p>
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 'affirmative duty', 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; <i>OCR Senior Staff Memorandum</i>, 19 IDELR 892, OCR 1992.</p>

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/>

WG | WALSH GALLEGOS
TREVINO RUSSO & KYLE P.C.

SERVICES FOR STUDENTS WITH DYSLEXIA AND RELATED DISORDERS: TEA REVISITS CHILD FIND

PRESENTED BY:
NONA MATTHEWS

June 27th

District Dyslexia Coordinators:

Please be advised that attorney, Cynthia Buechler will be presenting at the SPED directors' meeting on October 18th. She will be addressing Dyslexia and RTI as it is reported in TEA's Strategic Plan for SPED that was submitted to the US Department of Education. SPED directors were informed that they could bring their Dyslexia coordinators to the October 18th meeting. I am extending the invitation to you. If you are interested in attending, please sign up for the following workshop:

Date:	Time:	Workshop Title:	Workshop #:
October 18, 2018	9:00am-12:00pm	SPED Directors' Meeting	90350

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SERVICES FOR STUDENTS WITH DYSLEXIA AND RELATED DISORDERS: TEA REVISITS CHILD FIND

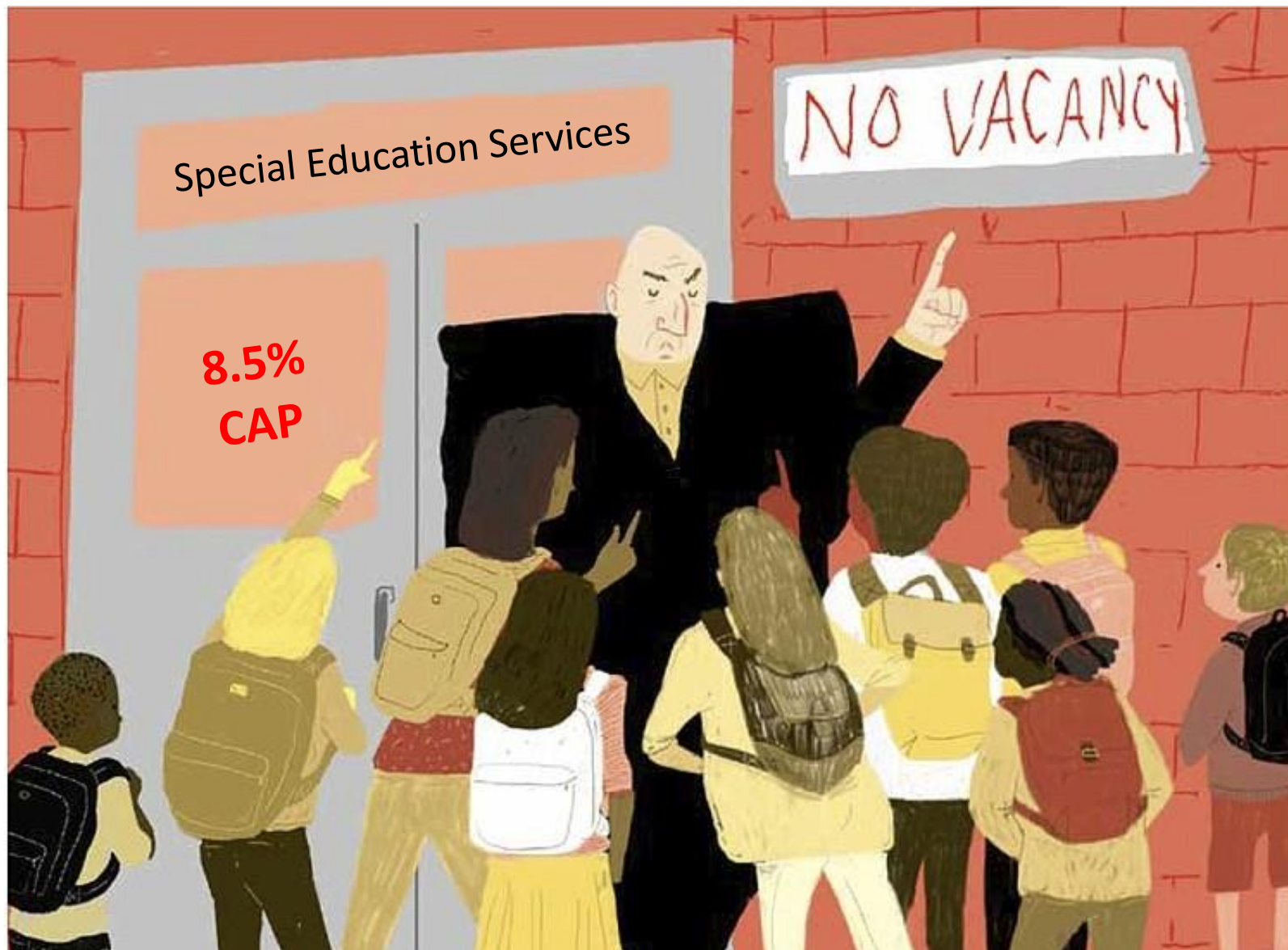
PRESENTED BY:
NONA MATTHEWS

June 27th

Let's Put the TAA Letter in Context

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- On January 11, 2018, the U.S. Dept. of Education Office of Special Education Programs (“OSEP”) released its final monitoring report finding TEA failed to comply with the IDEA.
- According to OSEP, some children in Texas who were suspected of having a disability and needing special education and related services under the IDEA were not referred for an evaluation under the IDEA.



The Problem of the 8.5% cap?

- Eligibility by the numbers
- Violates the individualized approach of IDEA and 504
- The fallacy/trap of *“here’s how many kids should be eligible in your school system”*



What students are we talking about?

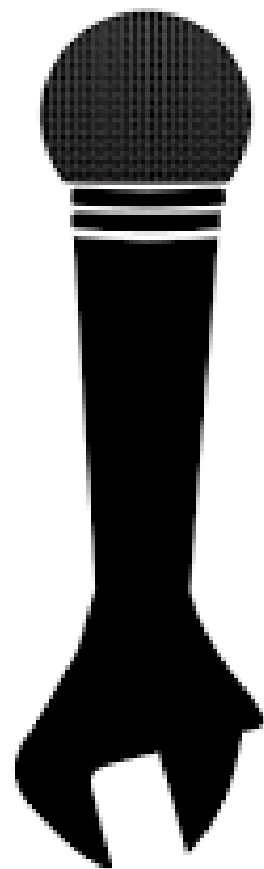
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- ❑ OSEP found that these students were instead evaluated and provided services under Section 504.
- ❑ OSEP identified some students receiving services under Section 504 who were suspected of needing special education services were either not referred for evaluation or not referred in a timely manner.
- ❑ These scenarios appeared to be particularly common when the suspected or identified disability was dyslexia or a related disorder.



FIX-IT





**HOW
DO
WE
FIX
IT?**



SERVICES FOR STUDENTS WITH DYSLEXIA AND RELATED DISORDERS: TEA REVISITS CHILD FIND

PRESENTED BY:
NONA MATTHEWS

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.

Clarification



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.

Clarification



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 FIE 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



Question:

Good afternoon,

I have a question and I'm hoping that you can provide better direction on this matter. We have a student in our district who has already been identified Dyslexic for several years; however, the student now a 6th grader along with the parent are requesting to be re-assessed. Can a re-assessment be done in it's entirety? It is my understanding as per the Dyslexia Handbook that there are no re-assessments. I would like to know how to best respond to the parent. I appreciate any guidance or feedback that you can provide!

Response:

Good Afternoon!

According to state law at TEC §38.003(b)(1) unless otherwise provided by law, a student determined to have dyslexia during testing under Subsection (a) or accommodated because of dyslexia may not be retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous testing of the student.

This has meant – that because dyslexia is a neurological disorder, it is a lifelong disorder. Once dyslexic, always dyslexic. That said, one would have to ask, is the parent asking for an FIIE rather than a 504? If that is the case, due to the CAP that Texas is currently under, we would have to likely re-evaluate. Part of the action required is that all students currently being served for dyslexia under 504 be reviewed to see if they need to be referred to SpEd. If they have not made adequate progress in the program, or if there is reason to believe they might in fact be eligible under the SLD category, then I would in fact move forward with the evaluation request for an FIIE.

Now, if this is not the case with this 6th grader that you are asking about then:

A district can exit a student from dyslexia intervention at parent request but it must go on record as such, and it doesn't change the fact of neurology. Once dyslexic always dyslexic. Question is does he NEED lab? Data should tell you this without evaluation. Attached are the 2 forms that you can use. I have sent them to you in generic form so all they have to do is fill in the blanks with district name. They are in pdf. format. A student can be removed from Dyslexia Therapy Program and the student can still receive 504 accommodations. All can be done without having to do an new "evaluation". Remember, evaluations under 504 are informal data gathering with the exception of an "initial" dyslexia evaluation which is formalized testing. After determining that the student has dyslexia, state law says we no longer test to determine the presence of dyslexia - which in this case would apply. If parent wants student out of "therapy" program, the committee needs to look at data, determine if they agree, and **at least go on record showing whether they agree or not** but if data shows that kid still has a substantial limitation, kid is still eligible to receive accommodations under 504 even if kid isn't in the therapy program.

Hope this information and forms help you proceed with the process.

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.

- | | | |
|------------------------------|---|---|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 1. Student has met standards on the STAAR/EOC Reading and Writing tests for at least two years;
<u>AND</u> |
| <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 therapy services and classroom administered fluency checks;
<u>AND</u> |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | 3. The student has completed/mastered all the objectives in the District's dyslexia therapy services;
<u>AND</u> |
| <input type="checkbox"/> YES | <input type="checkbox"/> 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;
<u>AND</u> |
| <input type="checkbox"/> YES | <input type="checkbox"/> 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. |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO
<input type="checkbox"/> 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 <u>and</u> 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. |
| <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 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, 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

Question:

We are purchasing a research based Tier 2 reading intervention program for our struggling readers. This Tier 2 program meets the descriptors of an evidence based dyslexia intervention program and meets the principles of effective intervention for students with dyslexia. Could this program be used to **also** serve our students identified with dyslexia?

Response:

I have been doing some research to better answer your question regarding using a Tier 2 program (accelerated reading program for struggling readers) as your dyslexia intervention program as well. What I keep finding is that your dyslexia program has to be different from your regular core reading program and your Tier 2 intervention program. The reason being that dyslexia is a specific type of a reading problem. Even if the Tier 2 intervention program does meet the descriptors of a research based dyslexia intervention program, they must be 2 different things. If your Tier 2 intervention program is the same as the dyslexia program, what are you doing differently for the kid who is not just a struggling reader but is a struggling reader that has been identified with the lifelong disability of dyslexia? To do the same thing would be denial of FAPE. Your dyslexia program is ONLY for those who have been evaluated and found to have dyslexia as per OCR v Dallas ISD. Keep in mind that a student's own data would show if the students has been in Tier 2 which one would typically expect to see before immediately doing a dyslexia evaluation. We usually see basic reading (Core) instruction, then an accelerated reading program – Tier 2, then your designated dyslexia program- Tier 3.

Hope this information helps as you continue to make the best decisions for your school system.

Roel Garza

Early Literacy Specialist/Dyslexia

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Welcome!



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