

BRUSH COUNTRY SPECIAL EDUCATION COOPERATIVE

P.O. Box 534 106 Bulldog Lane Orange Grove, Texas 78372



LEAs cannot unilaterally decide to discontinue the provision of an evidence-based dyslexia program to a student who currently receives it through a Section 504 plan.

As special education moves towards recognizing that students with dyslexia and a need for an evidence-based dyslexia program (SDI) qualify for special education, action will be necessary for students who currently receive evidence-based dyslexia programs through Section 504.

Step One:

As soon as possible but no later than the end of the 2024-2025 school year, Section 504 committees MUST discuss each student's ongoing need for an evidence-based dyslexia program and submit referrals for Full and Individual Initial Evaluations (FIEs) for those students who will continue to have a need for Specially Designed Instruction (i.e., evidence-based dyslexia program).

Step Two:

No action is needed if the Section 504 committee determines the student will no longer require SDI beyond the end of the 2024-2025 school year. Students with dyslexia can continue to receive classroom accommodations for dyslexia through Section 504.

STOP HERE

If the Section 504 committee determines the student will continue to require SDI, the LEA must refer the student for an FIE.

GO TO STEP THREE

Step Three:

Scenario One

The student was evaluated through Section 504 as part of the identification of dyslexia. The LEA will need to follow the process for an initial evaluation as it will be reported as SPP 11 evaluation data.

- In SuccessEd, change the student status to referral.
- The diagnostician will conduct a REED (either at the section 504 meeting (recommended) or once the LEA notifies you of the need for an FIE)
- In the REED, input the testing data from the previous dyslexia evaluation in the Educational/Achievement section.
- Identify which additional sections of the FIE need to be updated with current data/information. (This can be either formal or informal data. Suggested areas to be updated informally include: Health/Physical, with parent information and school information (vision/hearing screening); Sociological, with parent information; Emotional/Behavioral, with parent and school information; Cognitive, at your discretion (consider the first ten subtests of the WISC for baseline data; Educational/Achievement, with formal assessment for baseline data (at your discretion), parent information, dyslexia teacher input, general education teacher input); Adaptive Behavior, with informal data; Assistive Technology, with informal data.

BRUSH COUNTRY SPECIAL EDUCATION COOPERATIVE

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- Put timelines in place in the REED to complete the FIIE and return to ARD (you may follow the initial timeline) and lock the REED.
- Provide the parent with the **TEA form (Overview of Special Education for Parents)*, Notice of Procedural Safeguards, and Parent Guide to the Admission, Review, and Dismissal Process.
- Issue the Notice of Evaluation (check the box for “Initial” evaluation).
- Obtain consent for an “Initial” evaluation.
- Once all new information has been received, open a new FIIE, upload the REED into the FIIE, update relevant sections, and obtain signatures on the FIIE (***this must include a dyslexia member signature*) Be cautious when “determining eligibility” as the LEA has previously determined the student meets eligibility for Dyslexia.
- Schedule an Initial ARD meeting.
- Obtain consent for Initial Placement at the ARD meeting.

Scenario Two:

If the student recently had an FIIE as part of the identification of dyslexia (within the past year), a review of existing evaluation data (REED) should be conducted to expedite the completion of evaluations and IEP development for these students. The LEA will need to follow the process for an initial evaluation as it will be reported as SPP 11 evaluation data.

- In SuccessEd, change the student status to referral.
- The diagnostician will conduct a REED (either at the section 504 meeting (recommended) or once the LEA notifies you of the need for an FIIE) to identify which sections of the FIIE need to be updated with current data/information. (This can be either formal or informal data. Suggested areas to be updated informally include: Health/Physical, with parent information; Sociological, with parent information; Emotional/Behavioral, with parent and school information; Educational/Achievement, with formal assessment (at your discretion), parent information, dyslexia teacher input, general education teacher input).
- Put timelines in place in the REED to complete the FIIE and return to ARD (you may follow the initial timeline) and lock the REED.
- Provide the parent with the **TEA form (Overview of Special Education for Parents)*, Notice of Procedural Safeguards, and Parent Guide to the Admission, Review, and Dismissal Process.
- Issue the Notice of Evaluation (check the box for “Initial” evaluation).
- Obtain consent for an “Initial” evaluation.
- Once all new information has been received, open a new FIIE, upload the REED into the FIIE, update relevant sections, and obtain signatures on the FIIE (***this must include a dyslexia member signature*).
- Schedule an Initial ARD meeting.
- Obtain consent for Initial Placement at the ARD meeting.

BRUSH COUNTRY SPECIAL EDUCATION COOPERATIVE

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Scenario Three:

If the student is currently speech only with dyslexia but is not receiving dyslexia intervention through special education, the SLP should convene an ARD meeting and conduct a REED. The ARDC will determine whether the student will continue to require direct dyslexia intervention at the end of the 2024-2025 school year. If the student no longer needs direct dyslexia intervention, they should remain in special education as speech-only. Students with dyslexia can continue to receive classroom accommodations for dyslexia through special education as speech only or through Section 504.

STOP HERE

If the student will continue to require direct intervention for dyslexia, the ARDC should identify the areas that will require evaluation, whether through formal or informal assessment.

- Schedule an ARD meeting to conduct a REED. Invite the Dyslexia Interventionist.
- Conduct the REED to identify which sections of the FIE need to be updated with current data/information. (This can be either formal or informal data. Suggested areas to be updated informally include: Health/Physical, with parent information and school information (vision/hearing screening); Sociological, with parent information; Emotional/Behavioral, with parent and school information; Cognitive, at your discretion (consider the first ten subtests of the WISC for baseline data; Educational/Achievement, with formal assessment for baseline data (at your discretion), parent information, dyslexia teacher input, general education teacher input); Adaptive Behavior, with informal data; Assistive Technology, with informal data.
- Put timelines in place in the REED to complete the FIE and return to ARD, then lock the REED.
- Provide the parent with the **TEA form (Overview of Special Education for Parents)* and the Notice of Procedural Safeguards.
- Issue the Notice of Evaluation (check the box for "Reevaluation").
- Obtain consent for evaluation.
- Once all new information has been received, open a new FIE, upload the REED into the FIE, update relevant sections, and obtain signatures on the FIE (***this must include a dyslexia member signature*).
- Schedule an ARD meeting to review the FIE and put services in place.

Step Four:

Things to remember at the Initial ARD (and all future ARDs):

- Dyslexia intervention must be documented as special education time.
- The dyslexia interventionist should be documented as the "service provider".
- "Grade assigned by" should either be documented as "not applicable" or by "special education".
- "Service type" should be documented as "Direct".
- "Removed from" should be documented as "General Education".
- Students must have TEA-compliant IEPs for dyslexia intervention.
 - If the *Provider of Dyslexia Instruction (PDI)* is not a certified special education teacher, the ARD committee must have a special education teacher who

BRUSH COUNTRY SPECIAL EDUCATION COOPERATIVE

P.O. Box 534 106 Bulldog Lane Orange Grove, Texas 78372



participates in the ARD process and who is involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the students in the general education classroom and/or in collaboration with the PDI.

- The special education teacher may collaborate in the development of present levels of academic achievement and functional performance and IEP goals related to dyslexia, as well as provide support in other classes if the student needs the support.
 - This should be documented in Supplementary Aids and Services as consult time, e.g., The Special education teacher will provide consult services to the PDI for 30 minutes/1x/9 weeks.
- The dyslexia member must attend the Initial ARD meeting and be invited to all future ARD meetings (****attendance is not required but is best practice*).
- Once a student no longer requires direct dyslexia intervention, the ARDC can consider dismissal from special education and provide classroom accommodations through Section 504.

**In regards to the TEA form, LEA responsibilities include the following when a parent has requested an initial special education evaluation or the LEA has referred the student for an initial evaluation:*

- *When dyslexia is suspected, the LEA must distribute the form when the LEA issues to parents the prior written notice of its proposal to conduct an evaluation, a copy of the NPS, and the opportunity to consent to the evaluation [19 TAC §89.1011(b)(1)], or when the LEA issues to parents the prior written notice of its refusal to conduct an evaluation and a copy of the NPS [19 TAC §89.1011(b)(2)];*
- ***TEA expects LEAs to incorporate the distribution of this form in the same circumstances as above to every parent, regardless of the disability that is suspected.***
- *Parents must be asked to acknowledge receipt of the form by signing and dating the last page. Each LEA must retain evidence of the parent's signature or documentation that the parent refused to provide a signature.*

***Requirements for Member With Dyslexia and Reading Knowledge.*

- *When dyslexia is suspected, a person with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA's multidisciplinary team and any ARD committee convened to determine eligibility for special education and related services. The bill created new TEC §29.0031, which lists three means to satisfy this membership requirement:*
 - *Be a licensed dyslexia therapist (LDT);*
 - *Be an individual who holds the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, either the rules or Handbook adopted by the SBOE; or*
 - *If neither of the first two is available, be an individual who meets the applicable training requirements adopted by the SBOE.*

BRUSH COUNTRY SPECIAL EDUCATION COOPERATIVE

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- *Regarding the FIIE, the diagnostician should consult with the dyslexia specialist regarding evaluation results; the diagnostician may involve the dyslexia specialist in administering portions of the evaluation at their discretion. The dyslexia member is not required to report on/interpret any section of the FIIE at the ARD; however, is responsible for drafting and proposing IEP goals and reporting progress on a student's dyslexia goals.*

********HB 3928 states that the dyslexia member must be part of any ARD committee meeting convened to determine a student's eligibility for special education and related services. This means that the member must be a part of an ARD committee meeting that determines initial eligibility and any meeting at which a change in and/or continued eligibility is discussed, as in a re-evaluation. Keep in mind, however, that a student's Provider of Dyslexia Instruction (PDI) must be involved in developing and implementing the student's IEP. While the student's PDI does not necessarily have to meet the criteria listed for this required member, the PDI will also have knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction since the PDI is required to be fully trained in the LEA's adopted instructional materials for students with dyslexia.*

Additional information regarding changes to the evaluation and identification process:

Dyslexia is a specific learning disability (SLD). HB 3928 created TEC §29.0031 that now states dyslexia is an example of and meets the definition of an SLD under IDEA. This is in conformity with IDEA's federal regulations at 34 C.F.R. §300.8(c)(10), which specifically lists dyslexia as an example of an SLD.

TEA provides the following guidance associated with an evaluation for dyslexia:

- The condition of dyslexia, if identified, must be documented and used in a student's evaluation and any resulting IEP.
- There are specific evaluation domains and questions outlined in the Handbook that must be used when determining the presence of dyslexia. There is no single instrument, score, or formula that will automatically rule in or rule out dyslexia. It is not required that a student demonstrate a specific cognitive weakness on standardized assessments as demonstrated by achieving below a certain threshold to otherwise display a pattern of strengths and weakness relevant to the identification of dyslexia. Dyslexia identification is based on the preponderance of evidence.
- The ARD committee must interpret evaluation test results in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and other pertinent factors affecting learning. The team must first look for a pattern of evidence reflective of the primary characteristics of dyslexia, i.e., unexpectedly low performance 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), and
 - spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia).

BRUSH COUNTRY SPECIAL EDUCATION COOPERATIVE

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- Teams should keep in mind that a deficit in one area of phonological awareness can limit reading progress and consider discreet skills (vs. composite scores), when drawing conclusions. Teams should also keep in mind that the presence of a sensory impairment, such as visual impairment, deaf-blindness, or being deaf or hard of hearing, does not rule out the possibility of the presence of an SLD, including dyslexia. If the ARD committee determines 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. It is not one single indicator but a preponderance of data (both informal and formal) that provides the committee with evidence for whether these difficulties are unexpected. In other words, the following questions must be considered when deciding regarding dyslexia:
 - Does the data show the following characteristics of dyslexia?
 - Poor spelling skills
 - Poor decoding ability
 - Do these difficulties (typically) result from a deficit in the phonological component of language? (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 abilities and provision of effective classroom instruction?

Acronym List:

- HB – House Bill
- LEA – Local Educational Agency
- IDEA – Individuals with Disabilities Education Act
- SDI – Specially Designed Instruction
- SPDI – Standard Protocol Dyslexia Instruction
- LDT – Licensed Dyslexia Therapist
- SBOE – State Board of Education
- TEA – Texas Education Agency
- IEP – Individualized Education Program
- PDI – Provider of Dyslexia Instruction
- ARD – Admission, Review, and Dismissal
- LDP – Licensed Dyslexia Practitioner
- CALT – Certified Academic Language Therapist
- CALP – Certified Academic Language Practitioner
- FIIE – Full Individual and Initial Evaluation
- REED – Review of Existing Evaluation Data
- FAPE – Free Appropriate Public Education
- SLD – Specific Learning Disability