

## Appendix A: Questions and Answers- Updated October 2022

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

### Federal Law and Students with Dyslexia and Related Disorders

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#### 1. What referral process is followed for the evaluation/identification of dyslexia?

Dyslexia is a specific learning disability. Therefore, the evaluation/identification of dyslexia is treated the same way as other IDEA eligible disability categories in terms of the referral process. Anytime the LEA suspects or has reason to suspect that a student has dyslexia or a related disorder, and needs services, the LEA must seek parental consent for a full individual and initial evaluation (FIIE) under the IDEA.

#### 2. Why must LEAs follow procedures for evaluation under IDEA?

Along with 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 provision in the Individuals with Disabilities Education Act (IDEA), a federal law that requires the state to have policies and procedures in place to ensure that every student in the state who needs special education and related services is located, identified, and evaluated. The purpose of the IDEA is to ensure that students with disabilities are offered a free and appropriate public education (20 U.S.C. §1400(d); 34 C.F.R. §300.1). Because a student suspected of having dyslexia may be a student with a disability under the IDEA, the Child Find mandate includes these students. Therefore, when referring and evaluating students suspected of having dyslexia, LEAs must follow procedures for conducting a full individual and initial evaluation (FIIE) under the IDEA.

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

TEA offers multiple processes for resolving disputes related to special education: individualized education program facilitation (FIEP), mediation, special education complaints, and due process hearings. To learn about these options visit TEA's [Special Education Dispute Resolution Processes webpage](#).

Hearings are also available when the parent and school district have a dispute involving Section 504 services (34 C.F.R. 104.36). In addition, the U.S. Department of Education Office of Civil Rights (OCR) oversees Section 504 and has jurisdiction to investigate complaints involving Section 504 protections, as explained in OCR's Case Processing Manual. Information on filing a complaint with OCR and other resources can be found on the [Office of Civil Rights Website](#).

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

IDEA contains a clear mechanism for parents/guardians to reject eligibility (by way of refusing consent for initial special education placement or revoking consent for continued special education and related services). See 34 C.F.R. 300.300(b)(4). Section 504 has no similar regulation.

For the student who has been evaluated and determined to be Section 504 eligible, OCR has indicated that parents/guardians can refuse the initial provision of Section 504 services and revoke consent for continued Section 504 services See Letter to Durham, 27 IDELR 380, OCR Dec. 1997; OCR Senior Staff Memorandum, 19 IDELR 892, OCR 1992.

However, there is no authority in the Section 504 regulations or in published OCR guidance for the proposition that a parent/guardian can unilaterally remove Section 504 eligibility. All the parent/guardian can remove is the services; the nondiscrimination protections of Section 504 will remain.

Without an eligibility identification of dyslexia, the LEA may still provide appropriate tiered interventions relevant to the

student's needs. Parental notification is required when a student receives assistance from the school district for learning difficulties, including intervention strategies that the school district provides the child. Please refer to [SB 1153- Frequently Asked Questions for more information.](#)

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

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

School districts and open-enrollment charter schools are required to provide every student who has dyslexia or a related disorder with access to each program under which the student qualifies for services. Every school district and charter school must collect pertinent data for any student suspected of having dyslexia or a related disorder. (See Chapter III: Procedures for the Evaluation and Identification of Students with Dyslexia.) The evaluation and identification process for students suspected of having dyslexia is guided by the Individuals with Disabilities Education Act (IDEA). Each school must provide each identified student access at his/her campus to instructional programs as required by subsection (e) of 19 TAC §74.28 and to the services of an interventionist trained in dyslexia and related disorders. The school district or charter school may, with the approval of each student's parents/guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his/her campus. Additional detail regarding requirements for implementation of state dyslexia law is included in 19 TAC §74.28.

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

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

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

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

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

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

TEA offers processes for resolving disputes related to special education: individualized education program facilitation, mediation, special education complaints, and due process hearings. Complaints regarding Section 504 should be filed with the U.S. Department of Education Office of Civil Rights (OCR). Please also see question #3 for additional information on dispute resolution.

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

State foundation funds, state compensatory funds, federal title funds, dyslexia allotment funds or local funds may be used. State compensatory and federal title funds are used to supplement the regular classroom instruction. For students who receive special education services, special education funds may be used to provide direct and indirect services to students who are eligible for special education and related services. However, IDEA has identified that a school district or charter school may use up to 15% of its IDEA 2004 B entitlement, as provided by 34 CFR §300.226 for early intervening services for any student in kindergarten through grade 12 (with an emphasis on students in kindergarten through third grade) who is not currently identified as needing special education or related services but who needs additional academic and behavioral supports to succeed in a general education environment. These funds are to be used as supplemental funds and may not be used to supplant local, state, or other federal program dollars.

## 9. What data submissions through Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) related to dyslexia are required?

There are three distinct required data submissions: Dyslexia Indicator Code, Dyslexia Risk Code, and Dyslexia Services Code. For more information, please visit the [Dyslexia and Related Disorders](#) webpage.

## Dyslexia Screening

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### 10. Should Students in Kindergarten and first grade who receive special education or Section 504 services be screened for dyslexia using the Kindergarten and grade 1 dyslexia screeners under TEC §38.003?

Students receiving special education or Section 504 services should be screened using the Kindergarten and grade 1 dyslexia screener unless:

- The ARD or Section 504 committee determines the screener is not appropriate; or
- the student is already identified with dyslexia.

### 11. If a student is screened for dyslexia after the required screening timeframe, which Texas Student Data System (TSDS) DYSLEXIA-RISK-CODE data element is used for reporting purposes?

Any time a first-grade student is screened after January 31<sup>st</sup> of the school year, the LEA will use code 03, not screened for dyslexia or related disorders. When code 03 is selected for a student, the data submitter will be required to indicate the reason a student was not screened for dyslexia during the screening window by submitting one of 12 exemption codes. Please see TEA correspondence, [Dyslexia Screening Exception Reason in the Texas Student Data System \(TSDS\)](#) for additional information.

For additional information on reading instruments that can be used for dyslexia screening please go to the following link, [Early Learning Assessments | Texas Education Agency](#).

## Evaluation and Identification

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### 12. If a student is currently identified with dyslexia and is receiving standard protocol dyslexia instruction under

### **a Section 504 plan, must the Local Education Agency (LEA) now evaluate the student under IDEA?**

Not automatically. All students receiving interventions are subject to ongoing progress monitoring and data-based decision making. LEAs must review the progress and individual data for students with dyslexia receiving services under Section 504 to make individual determinations. Communication with the students' parents or guardians regarding provision of services, current progress, and their right to request an evaluation under IDEA should they choose to do so, is extremely important. If a student is making adequate progress (i.e., data from progress monitoring demonstrating consistent movement towards closing achievement gaps) and the parent or guardian agrees with the current supports and services, it is permissible to continue to provide dyslexia intervention, including standard protocol dyslexia instruction, under Section 504 without conducting a full individual and initial evaluation (FIIE). However, LEAs must be mindful of their ongoing Child Find obligation. LEAs have an affirmative duty to promptly refer any student who is suspected of having a disability and needing special education services for an FIIE under the IDEA (34 CFR §300.301- 300.311). Students identified with dyslexia who are not progressing well with current supports, services, and/or accommodations under Section 504 and/or are otherwise suspected of needing special education services must be referred for an evaluation under IDEA. Interventions and Section 504 plans may not be used to delay or deny an evaluation when there is suspicion of a disability and need for special education services.

### **13. What criteria is used to identify dyslexia when conducting a full individual and initial evaluation (FIIE) under the Individuals with Disabilities Education Act (IDEA)?**

Dyslexia is a disability condition included within the IDEA definition of specific learning disability (SLD). The Dyslexia Handbook outlines the characteristics of dyslexia and identifies specific areas to assess (e.g., letter knowledge, reading rate and accuracy, phonemic awareness). Given the definition and characteristics of dyslexia, the area of inadequate academic achievement would be basic reading and/or reading fluency (i.e., SLD in basic reading and/or reading fluency with the condition of dyslexia). Evaluation teams must use the information contained in the Dyslexia Handbook along with state (TEC §29-003 and §29.004; 19 TAC §§89.1011, 89.1040, and 89.1050) and federal (34 CFR §300.301- 300.311) evaluation requirements, including those specific to SLD, to conduct a comprehensive evaluation. A multidisciplinary evaluation team

that includes individuals with specific knowledge and training regarding the reading process, dyslexia, dyslexia instruction, the Dyslexia Handbook, and state and federal evaluation requirements is necessary. When a student is identified with dyslexia using the process outlined in chapter three of the Dyslexia Handbook, the student meets the first prong of eligibility under the IDEA (identification of condition). However, the presence of a disability condition alone, is not sufficient to determine if the student is a student with a disability under the IDEA. Eligibility under the IDEA consists of both identification of the condition and a corresponding need for specially designed instruction as a result of the disability.

#### **14. If a student is identified with dyslexia, how does the ARD committee determine if the student requires special education as a result of that disability?**

As with all disabilities, the ARD committee (which includes the child's parents) determines whether the child is a child with a disability under the IDEA and the educational needs of the child. For students with a specific learning disability, including dyslexia, the ARD committee must determine if the student requires specially designed instruction as a result of the disability on a case-by-case basis using information gathered as part of the full individual and initial evaluation (FIIE). Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability and to ensure access of the child to the general curriculum. There are a variety of ways to meet the needs of students with dyslexia. Refer to [Services for Students with Dyslexia and Coding Instructional Arrangement](#) for examples. ARD committees will need to consider the individual student's current performance, the impact of the disability on the student's access and progress in the general curriculum, and educational needs. This information is contained in the FIIE. The ARD committee must consider if the student needs adaptations to the content, methodology, or delivery of instruction because of having a specific learning disability (i.e. dyslexia) in order to access and progress in the general curriculum. Keep the following in mind:

- Standard protocol dyslexia instruction, without any adaptations, can be considered specially designed instruction for an individual student. In this situation the ARD committee (including the parents) determines that the student needs standard protocol dyslexia instruction along with customized, measurable annual goals, progress monitoring, direct, indirect, or support services from an appropriately certified special education staff member and other required IEP components.
- If the student only needs accommodations, the student with dyslexia may be eligible for protections under Section 504.
- If the parent declines special education services, or the ARD committee otherwise agrees that special education services/ an IEP is not needed for the student, the student identified with dyslexia may still receive any appropriate tiered interventions, including standard protocol dyslexia instruction (with or without a Section 504 plan).

#### **15. What should ARD committees consider when designing the IEP for students with dyslexia who have been determined eligible for special education?**

In general, when developing the IEP for eligible students with dyslexia, the ARD committee needs to consider the student's present level of academic achievement and functional performance (PLAAFP) and the goals that will allow the student to access and progress in the general curriculum. Services should be designed to support the student in making progress on his or her individualized goals. In developing the student's individualized program, the ARD committee should consider the provision of standard protocol dyslexia instruction. The Dyslexia Handbook directs ARD committees to consider standard protocol dyslexia instruction for all students with dyslexia. The ARD committee should consider whether the standard protocol dyslexia instruction provided on the campus is appropriate to meet some or all of the student's needs (i.e., enable progress on annual goals).

- For some students, standard protocol dyslexia instruction through the general education program along with indirect, or support services from a special education service provider (e.g. consultative support for IEP development and progress monitoring) may fully meet the student's needs and be the only service provided in the IEP. In other words providing and supporting the general education standard protocol dyslexia instruction through measurable annual goals, progress monitoring, direct, indirect, or support services from an appropriately certified special education staff member could be the specially designed instruction the student requires in order to receive a free and appropriate public education (FAPE).
- For other students, standard protocol dyslexia instruction may meet some, but not all the student's needs. In these

situations, additional specially designed aids, supports, or services might be combined with standard protocol dyslexia instruction. For example, the student may need pre-teaching or extra practice with key pieces of the standard protocol dyslexia instruction program, or there may be a need for other supports and services provided by certified special educators. Additionally, the student may have additional needs along with reading that require other types of specially designed instruction.

- The ARD committee could determine that the standard protocol dyslexia instructional program that has been purchased or adopted is not appropriate for the individual student's needs. In this situation, the student's ARD committee determines and establishes through development of the IEP the specific, customized reading/dyslexia instruction necessary to meet the student's needs. The student does not receive the standard protocol dyslexia instruction; however, the student's IEP will still provide for the critical evidence-based components of dyslexia instruction.

## **16. Can students have a specific learning disability (including dyslexia) and another IDEA disability condition?**

Yes. For example, it is not uncommon for a student to be identified with an SLD and a speech impairment. Within the State and Federal definition for SLD, there is a caveat that the academic difficulties are not "primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage." This caveat does not mean that SLD can never coexist with other disability conditions, but rather that evaluation teams and ARD committees must rule out other factors as being the primary cause of the academic difficulties before determining that a child also has an SLD. It is possible that another eligibility condition may be contributing in some way to the academic difficulties but does not fully explain or present as the primary cause of the academic deficits. It is a misconception that the presence of a sensory, motor, or emotional disability can never co-occur with an SLD. Similarly, a student can have environmental, cultural, or economic disadvantage and an SLD. The key is whether those other factors are the primary cause of the academic difficulties.

## **17. Should standard protocol dyslexia instructional services be identified on the schedule of services for students with an IEP?**

Yes. Students with an IEP who are receiving standard protocol dyslexia instruction (even when in the general education setting) should have this service clearly indicated on the schedule of services. This communicates to families and others what types of supports and services the student receives to meet his or her needs.

## **18. If parents refuse an evaluation under IDEA, does the LEA offer an evaluation under Section 504?**

All dyslexia evaluations flow through a single referral entry point that begins with seeking parental consent to evaluate under IDEA. LEAs must seek informed parental consent and provide proper notice and a copy of the procedural safeguards when the LEA refers a student for a full individual and initial evaluation (FIIE) because dyslexia and a need for dyslexia instruction is suspected. However, the State Board of Education chose to maintain an option for identification of dyslexia through Section 504 only in cases where, despite being fully informed of their rights and the process for evaluation under IDEA, the parent refuses to consent. This provides another potential avenue for the identification of dyslexia but should occur only in rare cases. LEAs may not encourage or persuade a parent to decline an evaluation under IDEA in order to seek evaluation under Section 504.

## **19. Does the Student have to be in a certain grade level before dyslexia evaluation can occur?**

Data related to the reading achievement and progress of all students should be continuously monitored and reviewed. A student who demonstrates poor performance in reading and spelling that is unexpected for the student's age, grade or other abilities and who exhibits the characteristics of dyslexia and a suspected need for services shall be referred for an evaluation under the IDEA.

TEC §28.006 requires school districts or open-enrollment charter schools to administer a reading instrument at the kindergarten first-grade, and second-grade levels and to notify the parent/guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of the reading instrument results, to be at risk for dyslexia or other reading difficulties. School districts and charter schools must also administer a reading instrument to grade 7 students who did not demonstrate proficiency on the grade 6 state reading assessment. Also, Texas Education Code (TEC) §38.003, Screening and Treatment for Dyslexia, requires that all kindergarten and first-grade public school students be screened for dyslexia and related disorders.

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

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

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

Yes. The parent/guardian may request a full individual and initial evaluation (FIIE) for dyslexia or a related disorder under IDEA. Under the IDEA, if the school refuses the request to evaluate, it must give parents prior written notice of its refusal to evaluate, including an explanation of why the school refuses to conduct an FIIE, the information that was used as the basis for the decision, and a copy of the Notice of Procedural Safeguards. Should the parent disagree with school's refusal to conduct an evaluation, the parent has the right to initiate dispute resolution options including mediation, state complaints, and due process hearings. Additionally, the parent may request an Independent Educational Evaluation (IEE) at the public expense. Should the parent believe that the child is eligible for Section 504 aids, accommodations, and services that parent may request an evaluation under Section 504.

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

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

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

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

No. A student need not fail a class or subject or fail the state-required assessment in order to be referred for an evaluation. According to TEC §38.003, students should be evaluated for dyslexia at appropriate times. The appropriate time depends

upon multiple factors, including the student's reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teacher's input; and input from the parents/guardians. When those factors lead to a suspicion of a disability, including dyslexia or a related disorder, and a need for services, the student must be referred for a full individual and initial evaluation (FIIIE) under IDEA.

#### **24. Can a student be referred for a full individual and initial evaluation (FIIIE) under IDEA for dyslexia and related disorders even if he/she has passed a test required by the statewide assessment program?**

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

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

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

Under IDEA, if a student attends private school or is home-schooled and is suspected to have a disability and the need for special education services, the student must be referred for a full individual and initial evaluation (FIIIE) as required by the Child Find provisions of IDEA. The school district where the private school is located is responsible for conducting Child Find for parentally-placed private school children.

In addition, while no parentally-placed private or home school student who has been determined to be a student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school, IDEA requires school districts to provide these students with an opportunity for equitable participation, through the development of a services plan, in the IDEA-funded services offered by the school district to private school students. For more information on this topic, please see [TEA's Guidance on Parentally Placed Private School Children with Disabilities webpage](#).

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

#### **26. Is there one test that can be used to determine that a student has dyslexia or a related disorder?**

No. School districts and open-enrollment charter schools should use multiple data sources, including formal and informal measures (e.g., day-to-day anecdotal information) that are appropriate for determining whether a student has dyslexia and/or a related disorder. For more information see Chapter 3: Procedures for the Evaluation and Identification of Dyslexia.

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

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



miscues for diagnosis as well as inform instructional planning.

## **28. Must a full-scale intelligence test be administered in the identification process for dyslexia?**

No. The most current definition of dyslexia from the International Dyslexia Association (IDA) indicates that the difficulties the student exhibits in reading should be unexpected in relation to the student's other cognitive abilities and the provision of effective classroom instruction. Examples of other cognitive abilities that could be age-appropriate in relation to unexpected reading difficulties might include the student's oral language skills, problem-solving and reasoning skills, ability to learn in the absence of print, or strong math skills in comparison to reading skills.

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

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

## **29. If a student is already receiving special education services for one particular area of need (e.g., speech) and the student is suspected to have dyslexia or a related disorder, does the ARD committee need to convene to recommend that the student be evaluated for dyslexia and related disorders?**

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

## **30. What requirements need to be kept in mind when considering reevaluations or retesting for students with dyslexia?**

Under IDEA, reevaluation of a student with a disability may not occur more than once a year, unless the parent and the school district or charter school agree otherwise; and must occur at least once every three years, unless the parent and the school district or charter school agree that reevaluation is unnecessary. The first step for any reevaluation is conducting a review of existing evaluation data (REED), which identifies what, if any, additional data is necessary for the reevaluation. Under state law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the school district or charter school reevaluates the information obtained from previous testing of the student (TEC §38.003(b-1)).

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

No. The school district's or charter school's duty to evaluate only applies for purposes of determining eligibility and services in the school's programs and activities during the period in which the student is eligible. According to the U.S. Department of Education Office of Civil Rights (OCR), neither the high school nor the postsecondary school is required to conduct or pay for a new evaluation to document a student's disability and need for accommodations. Consequently, the responsibility will fall to the student. All IDEA rights conclude and a student exits special education upon graduation and issuance of a regular high school diploma, as that term is defined by IDEA at 34 CFR §300.102(a)(3)(iv). However, if a student has an up-to-date evaluation prior to leaving high school, the evaluation may help identify services that have been effective for the student

when a postsecondary institution is determining the need for academic adjustments.

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

## Instruction

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### **32. Must each campus have a dyslexia program?**

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

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

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

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

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

### **35. Is standard protocol dyslexia instruction provided as part of the regular education program or must students be eligible for special education and have an individualized education program (IEP) to receive it?**

As described in Chapter Four of the Dyslexia Handbook, LEAs are required to purchase or develop an evidence-based reading program for students with dyslexia and related disorders that incorporates specific critical evidence-based components of instruction and instructional approaches. The program, also referred to as standard protocol dyslexia instruction, provides for evidence-based, multisensory structured literacy instruction for students with dyslexia. The standard protocol dyslexia instruction program is based on the common characteristics and needs of students with dyslexia and the instructional strategies that are generally effective. Standard protocol dyslexia instruction is a routinized program that is part of the continuum of tiered intervention and instruction available to any student who needs it, including students served by special education. Campuses provide this instruction to individual students based on individual determinations of need. Every LEA must be able to clearly describe and define the specific standard protocol dyslexia instruction (purchased or developed) that is used on each campus.

### **36. Can standard protocol dyslexia instruction be considered specially designed instruction for an individual student?**

Yes. For any individual student, the ARD committee may determine that participation in standard protocol dyslexia instruction is part of the specially designed instruction and services that a student needs to access and progress in the general curriculum. The fact that standard protocol dyslexia instruction is available to students who need it as part of the continuum of general education interventions does not preclude an ARD committee from determining that it is a required

component of the IEP for an individual student. Please see [guidance from OSEP](#) to TEA on this topic. To meet documentation requirements for both regulatory compliance and eligibility for special education contact hours and weighted funding, the IEP must include, among other things, a statement of the special education and related services and supplementary aids and services the student will receive, as well as the program modifications or supports for school personnel that will be provided, to enable the child to advance appropriately toward attaining their annual goals and to be involved in and make progress in the general education curriculum.

### **37. Can the standard protocol dyslexia instruction program be delivered in a manner that is different from the way it was designed?**

Standard protocol dyslexia instruction must be delivered in accordance with the way the program was designed to be delivered (i.e. with fidelity). Therefore, when a district or charter school has purchased a program, the amount of time for instruction/intervention reflected in the author's/publisher's program mandates the amount of time required to deliver the instruction (e.g., 45 minutes, 5 times per week). An ARD committee, however, may customize or individualize the specific dyslexia instruction necessary for a student based on the individual student's needs. When the standard protocol dyslexia instruction is altered to meet an individual student's needs it is no longer "standard protocol".

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

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

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

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

## **Teachers of Students with Dyslexia**

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### **40. What credentials and trainings are required for a dyslexia interventionist who serves students identified with dyslexia and related disorders?**

Texas does not have a specific certification for teachers providing intervention to students identified with dyslexia. However, 19 TAC §74.28(e) requires teachers who screen and treat students with dyslexia to be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in this Dyslexia Handbook. School districts and open-enrollment charter schools must consider the needs of students and the qualification of teachers. Teachers must have appropriate training in dyslexia and related disorders outlined in Chapter IV and V.

IDEA requires that the districts and charter schools ensure that all personnel who provide services to students with disabilities are appropriately and adequately prepared. For a student determined to have a disability under IDEA, qualified

special education personnel must be involved in the implementation of the student’s individual education program (IEP) through the provision of direct, indirect, and/or support services to the student and/or the student’s regular classroom teacher(s) for any educational service or program implemented for that student in accordance with his or her IEP. A provider of dyslexia instruction does not have to be certified as a special educator when serving a student who receives special education and related services if that provider is the most appropriate person to offer dyslexia instruction.

Refer also to Figure 4.1 Minimum Training Requirements for Educators Providing Dyslexia Services for additional information.

#### **41. Can a dyslexia interventionist provide support to students in prekindergarten-grade 12?**

Yes. As long as the person holds the proper credentials or (e.g., CALT, LDT) or has completed appropriate dyslexia training (e.g., MTA), he or she may provide dyslexia intervention to any students in prekindergarten-grade 12.

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

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

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

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

### **Supporting Emergent Bilingual Students with Dyslexia**

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#### **44. How many years does a student need to receive bilingual/ESL instruction before a comprehensive evaluation with the condition of dyslexia and/or a related disorder can be considered?**

There is no fixed amount of time that an emergent bilingual (EB) student must receive bilingual/ESL instruction before a comprehensive evaluation with the condition of dyslexia and/or a related disorder is considered. This will ensure that the LEA does not inadvertently violate their federal Child Find obligations.

#### **45. What determines the language of instruction for dyslexia services related to an emergent bilingual student?**

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

What language allows the student to adequately access the dyslexia services?

What is the student’s current language of classroom instruction?

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

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

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

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

#### **47. What data will support the need for instructional and test-related accommodations for students with dyslexia?**

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

#### **48. Can technology benefit students with dyslexia?**

Yes. The research is definitive regarding technology and instruction for students with dyslexia. When students have access to technology, their overall performance improves. Technology tools allow students with dyslexia to be equal participants in school-based learning experiences (TEC §38.0031). Technology is not to take the place of direct and explicit instruction, but to provide access to grade level and course curriculum. The online tool [Technology Integration for Students with Dyslexia](#) may provide assistance in identifying appropriate technologies.

#### **49. Is the district required to provide technology devices or services for students identified with dyslexia?**

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

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

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

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