THE DYSLEXIA HANDBOOK

2024[2021] Update

Procedures Concerning Dyslexia and Related Disorders

TEXAS EDUCATION AGENCY • AUSTIN, TEXAS

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2024 Update

TEXAS EDUCATION AGENCY | AUSTIN, TEXAS
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Table of Contents

Chapters

Appendix

Figures

FOREWORD

Reading is the fundamental skill upon which all formal education depends. Research now shows that a child who doesn't learn the reading basics early is unlikely to learn them at all. Any child who doesn't learn to read early and well will not easily master other skills and knowledge and is unlikely to ever flourish in school or life.

—Moats. L.C. Reading *is* Rocket Science: What Expert Teachers of Reading
Should Know and be Able to Do, 1999

Texas has a long history of supporting the fundamental skill of reading. This history includes a focus on early identification and intervention for children who experience reading difficulties. In support of dyslexia legislation passed by the Texas Legislature, the State Board of Education (SBOE) first approved the handbook, *Dyslexia and Related Disorders: An Overview of State and Federal Requirements* in January 1986.

The SBOE approved new guidelines called the *Revised Procedures Concerning Dyslexia and Related Disorders* in 1992, which were revised in 1998. The handbook was updated again in 2001 and was called *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders.* The SBOE continued to stress the importance of using research-based strategies to prevent reading difficulties and provide appropriate instruction to struggling readers in November 2006 when *The Dyslexia Handbook Revised 2007: Procedures Concerning Dyslexia and Related Disorders* was approved. In the summer of 2010, the need arose for an update of the handbook to include new legislation and additional research.

Legislation passed in the 82nd and 83rd sessions of the Texas Legislature resulted in the need for revision of the handbook. Consequently, *The Dyslexia Handbook—Revised 2014: Procedures Concerning Dyslexia and Related Disorders* was approved by the SBOE in July 2014. The most recent version, *The Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders* (*Dyslexia Handbook*) implements statutory requirements added by the 85th Texas Legislature. The *Dyslexia Handbook* provides guidelines for school districts to follow as they identify and provide services for students with dyslexia and related disorders. Additionally, the handbook provides school districts and parents/guardians with information regarding the state's dyslexia laws and their relation to these federal laws: the Rehabilitation Act of 1973, Section 504 as amended in 2008 (Section 504), the Americans with Disabilities Amendments Act and the Individuals with Disabilities Education Act (IDEA). This handbook replaces all previous handbooks and guidelines.

The Handbook was amended again effective February 10, 2022, to clarify that evaluations for dyslexia and related disorders must go through the process required by the Individuals with Disabilities Education Act (IDEA).

The 88th regular session of the Texas Legislature, through the passage of HB 3928, made additional changes to how dyslexia is evaluated and identified, as well as to dyslexia instruction requirements. 19 TAC 74.28 and the handbook are being revised as a result.

There are also designated consultants at each regional education service center (ESC) available to assist district stakeholders with implementing state law and SBOE rules and procedures regarding dyslexia.
[Appendix E of this handbook contains information for the 20 ESCs. Or visit]

> In addition to The *Dyslexia Handbook*, resources include a State Dyslexia Network, a State Dyslexia Coordinator [Consultant], and a helpline (1-800-232-3030) at Regional Education Service Center (ESC) 10.

ACKNOWLEDGMENTS

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Dedication

The 2018 Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders

was dedicated in honor of Geraldine "Tincy" Miller in recognition of her tireless work on behalf of all Texas

children with dyslexia.]

In the state of Texas, students who continue to struggle with reading, despite appropriate or intensified instruction, are provided organized systems of reading support. Some students struggle during early reading acquisition while others do not struggle until the later grades, even at the postsecondary level. Here they face more complex language demands, for example reading textbooks, academic texts, and other print materials. For many struggling readers, the difficulty may be due to dyslexia. Dyslexia is found in all student populations and languages. Some students with dyslexia may be emergent bilingual (EB) [English Learners (ELs)] who struggle with reading not only in English, but also in their native language. In Texas, evaluation for dyslexia is conducted from kindergarten through grade 12.

The purpose of The *Dyslexia Handbook* is to provide procedures for school districts, charter schools, campuses, teachers, students, and parents/guardians in early identification of, instruction for, and accommodations for students with dyslexia. This handbook will be used by school districts and charter schools as they develop their written procedures regarding students with dyslexia. It will also serve as a resource for educator preparation programs and other entities seeking guidance in serving students with dyslexia.

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders, mandates screening and testing students for dyslexia and the provision of instruction for students with dyslexia and gives the State Board of Education (SBOE) authority to adopt rules and standards for screening, testing, and serving students with dyslexia. Additionally, TEC 7.102(c)(28) charges the SBOE with approving a program for testing students with dyslexia and related disorders. HB 3928, passed during the 88th regular legislative session, requires the program, which is described in [Texas Education Code §7.028(b) assigns the responsibility for school compliance with the requirements for state educational programs to the local district board of trustees.]Title 19 of the Texas Administrative Code (TAC) §74.28 and this handbook, to not include a distinction between standard protocol dyslexia instruction, as this was included in the 2021 handbook version, and other types of direct dyslexia instruction, including specially designed instruction. [outlines the responsibilities of districts and charter schools in the delivery of services to students with dyslexia. Finally, two federal laws, the]The Individuals with Disabilities Education Act (IDEA) [and the Rehabilitation Act of 1973, Section 504,]establishes assessment and evaluation standards and procedures for students (34 C.F.R. Part 300 (IDEA)[, Part 104 (Section 504))].

[This handbook reflects current law as well as legislative action from the 84th and 85th sessions of the Texas Legislature and replaces all previous handbook editions. Recent legislation includes the following:
- TEC §21.044(c)(2) outlines the curriculum requirement for teacher preparation programs to include the characteristics of dyslexia, identification of dyslexia, and multisensory strategies for teaching students with dyslexia.
- TEC §21.054(b) and 19 TAC §232.11(e) mandate continuing education requirements for educators who teach students with dyslexia.
- TEC §28.021(b) establishes guidelines for districts when measuring academic achievement or proficiency of students with dyslexia.
- TEC §38.003(a) requires students to be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. Screening must occur at the end of the school year of each student in kindergarten and each student in the first grade.
- TEC §38.0032 requires the Texas Education Agency (TEA) to annually develop a list of training opportunities regarding dyslexia that satisfy continuing education requirements for educators who teach students with dyslexia.
- TEC §38.0031 requires the agency to establish a committee to develop a plan for integrating technology into the classroom to help accommodate students with dyslexia.
- TEC §42.006(a-1) requires school districts and open-enrollment charter schools to report through the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) the number of enrolled

~~students who have been identified as having dyslexia.~~

- ~~19 TAC §230.23 requires TEA to provide accommodations for persons with dyslexia who take licensing examinations.]~~

The following chapters are included in this handbook:

I. Definitions and Characteristics of Dyslexia

II. Screening

III. Procedures for the Evaluation and Identification of Students with Dyslexia

IV. Critical, Evidence-Based Components of Dyslexia Instruction

V. Dysgraphia

The Dyslexia Handbook has <u>2</u> [~~12~~] appendices:
A. <u>Frequently Asked Questions</u> ~~Questions and Answers~~
B. <u>Overview of Special Education for Parents</u> [~~Sources of Laws and Rules for Dyslexia Identification and Instruction~~]
C. ~~[State Laws and Rules Related to Dyslexia~~
D. ~~IDEA/Section 504 Side-by-Side Comparison~~
E. ~~Contacts for Further Information~~
F. ~~Associated Terms~~
G. ~~Bibliography~~
H. ~~Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities~~
I. ~~2015 U.S. Department of Education Dyslexia Guidance~~
J. ~~Pathways for the Identification and Provision of Instruction for Students with Dyslexia~~
K. ~~Addressing Concerns about Dyslexia Programs~~
L. ~~History of Dyslexia Law]~~

I. DEFINITIONS AND CHARACTERISTICS OF DYSLEXIA

The student who struggles with reading and spelling often puzzles teachers and parents. The student displays <u>the </u>ability to learn in the absence of print and receives the same classroom instruction that benefits most children; however, the student continues to struggle with some or all of the many facets of reading and spelling. This student may be a student with dyslexia.

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders in the following way:

> *"Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.*

> *"Related disorders" include disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.*

TEC §38.003(d)(1)-(2) (1995)
http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.003

The International Dyslexia Association defines "dyslexia" in the following way:

Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

Adopted by the International Dyslexia Association Board of Directors,
November 12, 2002

Students identified as having dyslexia typically experience primary difficulties in phonological awareness, including phonemic awareness and manipulation, single-word reading, reading fluency, and spelling.

Consequences may include difficulties in reading comprehension and/or written expression. These difficulties in phonological awareness are unexpected for the student's age and educational level and are not primarily the result of language difference factors. Additionally, there is often a **family history** of similar difficulties.

The following are the primary reading/spelling characteristics of dyslexia:

- Difficulty reading words in isolation
- Difficulty accurately decoding unfamiliar words
- Difficulty with oral reading (slow, inaccurate, or labored without prosody)
- Difficulty spelling

It is important to note that individuals demonstrate differences in degree of impairment and may not exhibit all the characteristics listed above.

The reading/spelling characteristics are most often associated with the following:

- Segmenting, blending, and manipulating sounds in words (phonemic awareness)
- Learning the names of letters and their associated sounds
- Holding information about sounds and words in memory (phonological memory)
- Rapidly recalling the names of familiar objects, colors, or letters of the alphabet (rapid naming)

Consequences of dyslexia may include the following:

- Variable difficulty with aspects of reading comprehension
- Variable difficulty with aspects of written language
- Limited vocabulary growth due to reduced reading experiences

Sources for Characteristics and Consequences of Dyslexia

Branum-Martin, L., Fletcher, J. M., & Stuebing, K. K. (2013). Classification and identification of reading and math disabilities: The special case of comorbidity. *Journal of Learning Disabilities*, *12*, 906–915.

Fletcher, J. M., Lyon, G. R., Fuchs, L. S., & Barnes, M. A. (2018) [2007]). *Learning disabilities: From identification to intervention.* (2nd ed.) New York, NY: The Guilford Press.

The International Dyslexia Association. (2018). *Knowledge and practice standards for teachers of reading*, (2nd ed.). Retrieved from https://app.box.com/s/21gdk2k1p3bnagdfz1xy0v98j5ytl1w.

Moats, L. C., & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems*. Baltimore, MD: The International Dyslexia Association.

Evidence-Based Core Reading Instruction (Tier I)

TEC §28.0062 requires each LEA to provide for the use of a phonics curriculum that uses systematic direct instruction, without the incorporation of three-cueing, in kindergarten through third grade to ensure all students obtain necessary early literacy skills. LEAs must ensure that all kindergarten, first, second, and third grade teachers attend a teacher literacy achievement academy to increase teacher knowledge and implementation of the science of teaching reading. Additionally, LEAs must certify to the agency that they prioritize placement of highly effective teachers in kindergarten through second grade and have integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade. **Schools must ensure that all students receive explicit systematic Tier 1 reading** instruction. [House Bill 3, passed by the 86th Legislature, requires each school district and open-enrollment charter school to provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills. Districts and charter schools must ensure that all kindergarten, first, second, and third grade teachers attend a teacher literacy achievement academy to increase teacher knowledge and implementation of the science of teaching reading. Additionally, districts and charter schools must certify to the agency that they prioritize placement of highly effective teachers in kindergarten through second grade and have integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade. This handbook assumes that all students have received strong systematic reading instruction in Tier 1.]

Connecting Research and Practice

Research in understanding dyslexia as a neurodevelopmental disorder is ongoing. Future research will assist in learning more about the phonological awareness deficit and how this deficit interacts with other risk factors related to dyslexia. Research is now also focusing on the developmental cause of neural abnormalities and how these predict treatment response.

Pennington, B. F. (2019). *Diagnosing Learning Disorders: From Science to Practice* (3rd ed.). New York, NY: The Guilford Press.

[Pennington, B. F. (2009). *Diagnosing learning disorders: A neuropsychological framework* (2nd ed.). New York, NY: The Guilford Press.]

Peterson, R. L., & Pennington, B. F. (2012). Developmental dyslexia. *The Lancet, 379*(9830), 1997–2007.

Common Risk Factors Associated with Dyslexia

If the following behaviors are unexpected for an individual's age, educational level, or cognitive abilities, they may be risk factors associated with dyslexia. A student with dyslexia usually exhibits several of these behaviors that persist over time and interfere with his/her learning. A family history of dyslexia may be present; in fact, recent studies reveal that the whole spectrum of reading disabilities is strongly determined by genetic predispositions (inherited aptitudes) (Olson, Keenan, Byrne, & Samuelsson, 2014).

The following characteristics identify risk factors associated with dyslexia at different stages or grade levels.

Preschool
- Delay in learning to talk

- Difficulty with rhyming
- Difficulty pronouncing words (e.g., "pusgetti" for "spaghetti," "mawn lower" for "lawn mower")
- Poor auditory memory for nursery rhymes and chants
- Difficulty adding new vocabulary words
- Inability to recall the right word (word retrieval)
- Trouble learning and naming letters and numbers and remembering the letters in his/ her name
- Aversion to print (e.g., doesn't enjoy following along if a book is read aloud)

Kindergarten and First Grade
- Difficulty breaking words into smaller parts, or syllables (e.g., "baseball" can be pulled apart into "base" "ball" or "napkin" can be pulled apart into "nap" "kin")
- Difficulty identifying and manipulating sounds in syllables (e.g., "man" sounded out as /m/ /ă/ /n/)
- Difficulty remembering the names of letters and recalling their corresponding sounds
- Difficulty decoding single words (reading single words in isolation)
- Difficulty spelling words the way they sound (phonetically) or remembering letter sequences in very common words seen often in print (e.g., "sed" for "said")

Second Grade and Third Grade
Many of the previously described behaviors remain problematic along with the following:
- Difficulty recognizing common sight words (e.g., "to," "said," "been")
- Difficulty decoding single words
- Difficulty recalling the correct sounds for letters and letter patterns in reading
- Difficulty connecting speech sounds with appropriate letter or letter combinations and omitting letters in words for spelling (e.g., "after" spelled "eftr")
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Reliance on picture clues, story theme, or guessing at words
- Difficulty with written expression

Fourth Grade through Sixth Grade
Many of the previously described behaviors remain problematic along with the following:
- Difficulty reading aloud (e.g., fear of reading aloud in front of classmates)
- Avoidance of reading (particularly for pleasure)
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Acquisition of less vocabulary due to reduced independent reading
- Use of less complicated words in writing that are easier to spell than more appropriate words (e.g., "big" instead of "enormous")
- Reliance on listening rather than reading for comprehension

Middle School and High School
Many of the previously described behaviors remain problematic along with the following:
- Difficulty with the volume of reading and written work
- Frustration with the amount of time required and energy expended for reading
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Difficulty with written assignments
- Tendency to avoid reading (particularly for pleasure)
- Difficulty learning a foreign language

Postsecondary

Some students will not be identified as having dyslexia prior to entering college. The early years of reading difficulties evolve into slow, labored reading fluency. Many students will experience extreme frustration and fatigue due to the increasing demands of reading as the result of dyslexia. In making a diagnosis for dyslexia, a student's reading history, familial/genetic predisposition, and assessment history are critical. Many of the previously described behaviors may remain problematic along with the following:

- Difficulty pronouncing names of people and places or parts of words
- Difficulty remembering names of people and places
- Difficulty with word retrieval
- Difficulty with spoken vocabulary
- Difficulty completing the reading demands for multiple course requirements
- Difficulty with notetaking
- Difficulty with written production
- Difficulty remembering sequences (e.g., mathematical and/or scientific formulas)

[~~Appendix H, Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities has been included for additional information.~~]

Since dyslexia is a neurobiological, language-based disability that persists over time and interferes with an individual's learning, it is critical that identification and intervention occur as early as possible.

Associated Academic Difficulties and Other Conditions

The behaviors in the previous sections represent common difficulties that students with dyslexia may exhibit. In addition, students with dyslexia may have problems in written expression, reading comprehension, and mathematics as well as other complicating conditions and/or behaviors.

Besides academic struggles, some students with dyslexia may exhibit other complex conditions and/or behaviors. The most common co-occurring disorders with dyslexia are attention deficit hyperactivity disorder (ADHD) and specific developmental language disorders (Snowling & Stackhouse, 2006, pp. 8–9). Some, though not all, students with dyslexia may also experience symptoms such as anxiety, anger, depression, lack of motivation, or low self-esteem. In such instances, appropriate instructional/referral services need to be provided to ensure each student's needs are met.

These additional conditions can have a significant impact on the effectiveness of instruction provided to students with dyslexia. Motivation, in particular, has been shown to be critical to the success or failure of instructional practices. Regarding motivation, Torgesen states (as cited in Sedita, 2011), "even technically sound instructional techniques are unlikely to succeed unless we can ensure that, most of the time, students are engaged and motivated to understand what they read" (p. 532). Acknowledging that students with dyslexia must exert extra effort to meet grade-level expectations, all the factors that may affect learning must be considered when identifying and providing instruction for students with dyslexia. ADHD or symptoms of anxiety, anger, depression, or low self-esteem may lower a student's engagement in learning. Educators and parents should provide students with affirmation and an environment that fosters engagement and success.

Sources for Common Characteristics and Risk Factors of Dyslexia

Carreker, S. (2008, September). *Is my child dyslexic?* The International Dyslexia Association. Retrieved from https://dyslexiaida.org/.

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Olson, R. K., Keenan, J. M., Byrne, B., & Samuelsson, S. (2014). Why do children differ in their development of reading and related skills? *Scientific Studies of Reading, 18*(1), 38–54.

Shaywitz, S. (2020) [(2003)]. *Overcoming dyslexia: A new and complete science-based program for reading problems at any level*. (2nd ed.). New York, NY: Alfred A. Knopf.

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Harpin, V., Mazzone, L., Raynaud, J. P., Kahle, J. R., & Hodgkins, P. (2013). Long-term outcomes of ADHD: A systematic review of self-esteem and social function. *Journal of Attention Disorders*. doi:10.1177/1087054713486516

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Klassen, A. F., Miller, A., & Fine, S. (2004). Health-related quality of life in children and adolescents who have a diagnosis of attention-deficit/hyperactivity disorder. *Pediatrics*, *114*(5), 541-547.

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Sedita, J. (2011). Adolescent literacy: Addressing the needs of students in grades 4–12. In J. R. Birsh (Ed.), *Multisensory teaching of basic language skills* (3rd ed., p. 532). Baltimore, MD: Paul H. Brookes Publishing.

Snowling, M. J., & Stackhouse, J. (2006). *Dyslexia, speech, and language: A practitioner's handbook* (2nd ed.). Hoboken, NJ: John Wiley & Sons.

II. SCREENING

Overview of Chapter II

The purpose of Chapter II is to further clarify the following topics related to screening for dyslexia:

- The definition of universal screening
- Administration of screening instruments
- Interpretation of screening results
- Best practices for ongoing monitoring

Part A of Chapter II will cover the definition of universal screening as well as the local, state, and federal requirements related to dyslexia and related disorders, including the Child Find requirement imposed under the Individuals with Disabilities Education Act (IDEA).

Part B will address the administration of the required screening instruments for kindergarten and grade 1 students.

Part C will cover how the interpretation of the screening results affect the decisions that the school will make to determine when a student is at risk for reading difficulties, including dyslexia and related disorders.

Part D will address ongoing monitoring of students throughout their academic careers.

Part A: Universal Screening and State and Federal Requirements

The Importance of Early Screening

If the persistent achievement gap between dyslexic and typical readers is to be narrowed, or even closed, reading interventions must be implemented early, when children are still developing the basic foundation for reading acquisition. The persistent achievement gap poses serious consequences for dyslexic readers, including lower rates of high school graduation, higher levels of unemployment, and lower earnings because of lowered college attainment. Implementing effective reading programs early, even in preschool and kindergarten, offers the potential to reduce and perhaps even close the achievement gap between dyslexic and typical readers and bring their trajectories closer over time.

—Ferrer, et al., Achievement Gap in Reading Is Present as Early as
First Grade and Persists through Adolescence, 2015

The early identification of students with dyslexia along with corresponding early intervention programs for these students will have significant implications for their future academic success. In the book *Straight Talk about Reading*, Hall and Moats (1999) state the following:

- Early identification is critical because the earlier the intervention, the easier it is to remediate.
- Inexpensive screening measures identify at-risk children in mid-kindergarten with 85 percent accuracy.
- If intervention is not provided before the age of eight, the probability of reading difficulties continuing into high school is 75 percent (pp. 279–280).

Research continues to support the need for early identification and assessment (Birsh, 2018; Sousa, 2005; Nevills & Wolfe, 2009). The rapid growth of the brain and its responsiveness to instruction in the primary years make the time

from birth to age eight a critical period for literacy development (Nevills & Wolfe, 2009). Characteristics associated with reading difficulties are connected to spoken language. Difficulties in young children can be assessed through screenings of phonemic awareness and other phonological skills (Sousa, 2005). Additionally, Eden (2015) points out that "when appropriate intervention is applied early, it is not only more effective in younger children, but also increases the chances of sparing a child from the negative secondary consequences associated with reading failure, such as decline in self-confidence and depression."

Keeping the above information in mind, it is essential to screen students for dyslexia and related disorders early in their academic careers.

State Requirements

In 2017, the 85th Texas Legislature passed House Bill (HB) 1886, amending Texas Education Code (TEC) §38.003, Screening and Treatment for Dyslexia,[1] to require that all kindergarten and first-grade public school students be screened for dyslexia and related disorders. Additionally, the law requires that all students beyond first grade be screened or tested as appropriate.

In response to the screening requirements of HB 1886, the SBOE amended its rule in 19 Texas Administrative Code (TAC) §74.28, Students with Dyslexia and Related Disorders. While this rule speaks primarily to evaluation and identification of a student with dyslexia or related disorders, it also requires that evaluations only be conducted by appropriately trained and qualified individuals. Guidelines regarding the required screening for kindergarten and first-grade students are discussed in Part B of this chapter.

A related state law adds an additional layer to screening requirements for public school students. Texas Education Code §28.006, Reading Diagnosis, requires each school district to administer to students in kindergarten, first grade, and second grade a reading instrument to diagnose student reading development and comprehension. This law also requires school districts to administer a reading instrument at the beginning of seventh grade to students who did not demonstrate reading proficiency on the sixth-grade state reading assessment. The law requires each school district to administer to kindergarten students a reading instrument adopted by the commissioner or an alternative reading instrument approved by the commissioner. The commissioner must adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. Districts are permitted to use reading instruments other than those adopted by the commissioner for first, second, and seventh grades only when a district-level committee adopts these additional instruments. Texas Education Code §28.006(d) requires each district to report the results of these reading instruments to the district's board of trustees, TEA, and the parent or guardian of each student.

Further, a school district is required to notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined to be at risk for dyslexia or other reading difficulties based on the results of the reading instruments. In accordance with TEC §28.006(g), an accelerated reading instruction program must be provided to these students.

[1 For the full text of the state laws and rules referenced in this chapter, please refer to Appendix C, State Laws and Rules Related to Dyslexia.]

*Are the dyslexia screening under TEC §38.003
and the early reading diagnosis under TEC §28.006 the same?*

The answer to this question is not a simple one. School districts must meet the requirements of TEC §28.006 and §38.003, both of which deal, at least in part, with early screening for dyslexia. ***Should a district wish to use a single instrument to meet the requirements of both TEC §28.006 and §38.003, the district may, but is not required to do so.***

It is important to note that TEC §38.003 applies only to the screening of kindergarten and first-grade students for dyslexia and related disorders, whereas TEC §28.006 addresses general reading diagnoses for students in kindergarten and grades 1, 2, and 7. Districts that decide to use one instrument to meet the requirements of both the dyslexia screening and the early reading diagnosis for kindergarten and grade 1 must also continue to administer reading instruments to all second-grade students and to students in grade 7 who did not demonstrate proficiency on the state reading assessment for sixth grade.

The approved reading Instruments on the current list meet the requirements of TEC §28.006 and are available on the Texas Education Agency (TEA) website at https://tea.texas.gov/academics/early-childhood- education/data-tool-selection-guidance . The approved reading instruments include the required elements of a dyslexia screener. These instruments will meet the requirements of both the early reading diagnosis under TEC §28.006 and the dyslexia screening under TEC §38.003. This allows districts and charter schools to use an instrument from the approved list to satisfy both requirements should they choose to do so.

Should it be determined that funds are not available for the early reading instruments under TEC §28.006, districts are not required to notify parents/guardians of or implement the accelerated reading program. However, districts and charter schools **must** screen all students in kindergarten and grade 1 for dyslexia and related disorders regardless of the availability of funding.

While this chapter primarily addresses the screening required under TEC §38.003 for kindergarten and grade 1, the screening and ongoing monitoring of *all students* should be done regularly according to district, state, and federal laws and procedures.

Federal Requirements – Child Find

In addition to state and local requirements to screen and identify students who may be at risk for dyslexia, there are also overarching federal laws and regulations to identify students with disabilities, commonly referred to as Child Find. Child Find is a 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.

Another federal law that applies to students with disabilities in public school is Section 504 of the Rehabilitation Act of 1973, commonly referred to as Section 504. Under Section 504, public schools must annually attempt to identify and locate every qualified student with a disability residing in its jurisdiction and notify them and/or their parents of the requirements of Section 504.

Dyslexia Screening

Universal Screening

For purposes of this chapter, screening is defined as a universal measure administered to **all** students by qualified personnel to determine which students are at risk for dyslexia or reading difficulties and/or a related disorder. Screening is not a formal evaluation.

Timing of Screening

Texas Education Code §38.003 mandates that kindergarten students be screened at the end of the school year. In scheduling the kindergarten screener, districts and charter schools should consider the questions in Figure 2.1 below.

Figure 2.1. Considerations for Local Scheduling of Dyslexia Screening
• Has adequate time for instruction been provided during the school year?
• Has adequate time been provided to compile data prior to the end of the school year?
• How will the timing of the administration of the screener fit in with the timing of other required assessments?
• Has sufficient time been provided to inform parents in writing of the results of the reading instrument and whether the student is at risk for dyslexia or other reading difficulties?
• Has adequate time been provided for educators to offer appropriate interventions to the student?
• Has sufficient time been provided for decision making regarding next steps in the screening process?

Texas Education Code §38.003 does not explicitly state when first grade students must be screened. The SBOE, through approval of the rule which requires adherence to this handbook (19 TAC §74.28), has determined that students in first grade must be screened no later than the middle of the school year. [~~Screening of first-grade students can begin anytime in the fall as the teacher deems appropriate.~~] Grade 1 screening must conclude **no later than January 31 of each year**.

The timing of the grade 1 screening is designed to ensure that students are appropriately screened, and if necessary, evaluated further so that reading difficulties can be addressed in a timely manner. Because kindergarten is not mandatory in the State of Texas, some students will not have been enrolled in kindergarten and will therefore not have been screened prior to the first grade. Waiting too long in the first- grade year would delay critical early intervention for students at risk for dyslexia or reading difficulties. Screening of first grade students by the middle of the school year will ensure that sufficient time is provided for data gathering, evaluation, early intervention, etc., to meet the needs of students. Conducting the grade 1 screening no later than the middle of the school year will allow districts and charter schools to complete the evaluation process with enough time for interventions to be provided to the student prior to the end of first grade.

Other Related Disorders

It is important to note that, while TEC §38.003 requires that all students in kindergarten and grade 1 be screened for dyslexia and related disorders, at the time of the update to this handbook it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other identified related disorders. For more information, please see Chapter V: Dysgraphia.

Local District Requirements

Each district may have additional policies and procedures in place regarding screening and evaluating students for dyslexia and related disorders. Refer to your district's website or administrative office for more information on local policies or search for information specific to your school district or charter school by accessing the *Legal Framework for the Child-Centered Special Education Process* at http://framework.esc18.net/.

Dyslexia screening is a tool for identifying children who are at risk for this learning disability, particularly in preschool, kindergarten, or first grade. This means that the screening does not "diagnose" dyslexia. Rather, it identifies "predictor variables" that raise red flags, so parents and teachers can intervene early and effectively.

—Richard Selznick, *Dyslexia Screening: Essential Concepts for Schools and Parents*, 2015

The importance of early interventions for students with reading difficulties cannot be overstated. In order for early interventions to be provided, a student must first be identified as at risk for dyslexia or another reading difficulty. While educators once delayed identification of reading difficulties until the middle elementary grades, recent research has encouraged the identification of children at risk for dyslexia and reading difficulties "prior to, or at the very least, the beginning of formal reading instruction" (Catts, 2017).

The requirement in TEC §38.003 that all kindergarten and first grade students be screened for dyslexia and related disorders is aligned with this shift to identify students at risk for dyslexia and reading difficulties when they are just beginning their formal education. Universal screeners generally measure reading or literacy-related skills such as sound-symbol recognition, letter knowledge, phonological awareness, and other skills. The International Dyslexia Association (2017) describes screening instruments as follows.

Screening measures, by definition, are typically brief assessments of a skill or ability that is highly predictive of a later outcome. Screening measures are designed to quickly differentiate students into one of two groups: 1) those who require intervention and 2) those who do not. A screening measure needs to focus on specific skills that are highly correlated with broader measures of reading achievement resulting in a highly accurate sorting of students.

—International Dyslexia Association, *Universal Screening: K-2 Reading*, 2017

Screening Instruments

While screening instruments can measure the skills and abilities of students at different grade levels, this section is dedicated to a discussion of instruments that may meet the dyslexia screening requirement for kindergarten and first grade students. As previously mentioned, at the time of the update to this handbook it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other
 identified related disorders. As a result, the focus of this section is on screening instruments for dyslexia and reading difficulties.

It is important that screening instruments be accurate and comprehensive; however, they need not be as comprehensive as an extensive individualized evaluation. With this in mind, various types of instruments that meet the criteria below could be used to screen for dyslexia.

In developing the criteria for the kindergarten and grade 1 screening instruments for dyslexia and other reading difficulties, it was important to differentiate between the skills and behaviors appropriate at each grade level. Additionally, with a sizable EB student [English Learner (EL)]population in Texas, it was essential that Spanish language screening instruments be addressed. Therefore, criteria for both English and Spanish speakers are included.

Screener Criteria

Regardless of the primary language of the student, instruments used to screen for dyslexia and other reading difficulties

must address the skills in Figure 2.2 below.

Figure 2.2. Criteria for English and Spanish Screening Instruments	
Kindergarten	**First Grade**
- Letter Sounds Knowledge or Letter Naming Fluency - Phonological Awareness	- Word Reading Accuracy or Fluency - Phonological Awareness

While the selected screening instrument will be expected to measure each of the skills identified above, it is important that individuals who administer the screening instrument document student behaviors observed during the administration of the instrument. A list of behaviors that may be observed during the administration of the screening and which should be documented are included in Figure 2.3 below.

Figure 2.3. Student Behaviors Observed During Screening
- Lack of automaticity   - Difficulty sounding out words left to right   - Guessing   - Self-correcting   - Inability to focus on reading   - Avoidance behavior

Other Criteria

In addition to the measures of the skills identified in Figure 2.2 above, other criteria should be considered when selecting a screening instrument. Approved screening instruments must take only a brief time to administer and be cost effective. They must have established validity and reliability and standards. They must also include distinct indicators identifying students as either not at risk or at risk for dyslexia or reading difficulties. Screening instruments must also provide standardized directions for administration as well as clear guidance for the administrator regarding scoring and interpretation of indicators/results. Additionally, each screening instrument must include adequate training for educators on how to administer the instrument and interpret results.

Selecting an Appropriate Screening Instrument

Screening instruments must include a measure for each of the skills noted above. The commissioner of education is expected to periodically issue a request for English and Spanish screening instruments that meet the established criteria. Instruments that meet each of the criteria will be included on the Commissioner's List of Reading Instruments. A district or charter school must select for use an instrument from the commissioner's list. In determining which screening instrument to use, a district or charter school must consider the primary language of the student and other factors as determined by the local district or school.

Administration of Screening Instruments

Who May Administer the Dyslexia Screener

A district or charter school must ensure that appropriately trained and qualified individuals administer and interpret the results of the selected screening instrument. Please note that an educational aide is not eligible to administer or interpret the dyslexia screening instrument. Individuals who administer and interpret the screening instrument must, at minimum, meet the following qualifications:

- An individual who is certified/licensed in dyslexia; or

- A classroom teacher who holds a valid certification for kindergarten and grade 1.

- (For a list of current certifications for kindergarten and grade 1, see the State Board for Educator Certification Teacher Assignment Chart at https://tea.texas.gov/Texas_Educators/Certification/.)

BEST PRACTICE: Whenever possible, the student's current classroom teacher should administer the screening instrument for dyslexia and reading difficulties. For an open enrollment charter school that is not required to have a certified teacher in kindergarten or grade 1, the teacher of record should administer the screener unless an individual who is certified/licensed in dyslexia is available.

Training

The individual who administers and interprets the screening instrument must receive training designed specifically for the selected instrument in the following:

- Characteristics of dyslexia and other reading difficulties

- Interpretation of screening results and at-risk indicators and decisions regarding placement/services

When to Administer the Dyslexia/Reading Screener

Districts and charter schools must implement a screening program that includes each of the following:

- Screening of **each** student in kindergarten at the end of the school year

- Screening of **each** student in the first grade no later than January 31

For more information on considerations regarding the scheduling of the mandated dyslexia screening, please refer to Part A, Dyslexia Screening, on p. 10.

Part C—Kindergarten-Grade 1 Universal Screening: Interpretation

The importance of early intervention cannot be overstated. Intervening early, before difficulties become intractable, offers the best hope for successful outcomes and prevention of long-term deficits. The purpose of screening is to help identify, as early as possible, the students at risk for dyslexia or other reading difficulties so that targeted intervention can be provided. Screening alone will never improve outcomes for students. The screening must lead to effective instruction for it to be useful. Therefore, once the screening has been administered the next steps are to analyze results, identify level of risk for each student, and make informed decisions. The next steps are broadly categorized as: refer for evaluation, implement targeted intervention, and/or continue with core instruction.

There are several important factors to consider when interpreting screening results. First, it is important to remember that there is no definitive test score that invariably identifies dyslexia. Dyslexia is a neurobiological disorder that exists along a continuum of severity. Similar to diabetes or hypertension, dyslexia is identified based on how far an individual's condition departs from the average range. This makes the identification of dyslexia more challenging than identifying other forms of disability.

Second, it is important to keep the definition and goals of screening in mind. The purpose of screening is to differentiate a smaller set of individuals who may be at risk for dyslexia. Screening, by definition, should never be the final determination of whether a student has dyslexia. Therefore, screening tools must be brief, efficient, and cost effective. Subsequent consideration of other data and information with the smaller group is then used to determine next steps.

However, it is key to remember that "screening" represents the initial step in the process. Dyslexia referral and identification under IDEA must be individualized and based on multiple pieces of information, including results of the screening.

As with any evaluation, it is important that schools administer and interpret the screening instrument with fidelity. Screening tools use criterion-referenced criteria to establish cut points derived by the publisher of the tool. Cut points are used to group students into categories (e.g., at risk or not at risk) based on the results of the screening tool. Districts and charter schools must adhere to the cut points established by the published screening instrument. LEAs cannot modify the publisher's established cut points, as these are used to determine next steps and those coded at-risk based on the publisher's established thresholds will be reported by the LEA through the Public Education Information Management System (PEIMS) for the dyslexia at-risk code.

In general, students scoring below the publisher-determined cut point are considered "at risk" for dyslexia, while those who score above the cut point are considered "not at risk" for dyslexia. However, it is important to realize that risk falls on a continuum and there will always be false positives (students who screen at risk when they are not) and false negatives (students who screen not at risk when they are). Consequently, continual progress monitoring and an ongoing review of data is important. Any student may be referred for a full individual and initial evaluation under IDEA, at any time, regardless of the results of the screening instrument.

Students falling well below the cut point have a much higher probability of being at risk for dyslexia while students scoring well above the cut point have lower probability of being at risk for dyslexia. The decision for what to do next is easiest for students whose scores fall at the extreme ends of the continuum. Students falling well above the cut point can be considered at low risk for dyslexia and are much less likely to need additional intervention or evaluation. Students scoring far below the cut point should be considered at high risk for dyslexia.

For students who are identified as at risk for dyslexia, the school should provide targeted intervention provided by the appropriate staff as determined by the district or charter school. The district or school should also continue the data collection and evaluation process outlined in Chapter III, Procedures for the Evaluation and Identification of Students with Dyslexia. It is important to note that the use of a tiered intervention process, such as Response to Intervention or RTI, must not be used to delay or deny an evaluation for dyslexia, especially when parent or teacher observations reveal the common characteristics of dyslexia.

For students who score close to the cut point, more information will be needed to make an informed decision regarding referral for evaluation, implementation of targeted interventions with progress monitoring, or continuation of core instruction only. Data gathering will provide this additional information.

Screening Data Gathering

Both quantitative and qualitative information are critical components of the screening process. Examples of quantitative and qualitative information used in determining next steps are provided in Figure 2.4 below.

Figure 2.4. Sources and Examples of Screening Data	
Quantitative Information	**Qualitative Information**
Results of— • Current screening instruments • Previous screening instruments • Formal and informal classroom reading assessments • Additional brief and targeted skill assessments	• Observations of student during screening (See Figure 2.3, Student Behaviors Observed During Screening) • Other observations of student progress • Teacher observations • Parent/guardian input (e.g., family history, early language skills) • Current student work samples • Work samples from earlier grade(s) • Intervention history

For students who fall close to the predetermined cut points, implementation of short-term, targeted intervention with regular progress monitoring is one way to determine if additional evaluation is needed. Teachers and administrators should also be mindful that screening for risk is an ongoing process. Decisions made based on a single-point-in-time screening instrument should always be reevaluated and altered as more information is obtained as instruction continues. See Part D of this chapter, Best Practices for Ongoing Monitoring, for additional information.

Screening data should always be shared <u>in writing</u> with parents. Screening data should also be used by teachers and school administrators to guide instruction at the classroom level. When large percentages of students fall below the cut point (are at risk for dyslexia), it signals a need to review instructional programming and practices and teacher training in effective and explicit reading instruction.

Interpretation of Data

A qualified team is required to review all data to make informed decisions regarding whether a student exhibits characteristics of dyslexia. This team must consist of individuals who—

- have knowledge of the student;
- are appropriately trained in the administration of the screening tool;
- are trained to interpret the quantitative and qualitative results from the screening process; and
- recognize characteristics of dyslexia.

The team may consist of the student's classroom teacher, the dyslexia specialist, the individual who administered the screener, a representative of the Language Proficiency Assessment Committee (LPAC) (as appropriate), and an administrator.

It is important to remember that at any point in the data review process a referral for a FIIE under the IDEA may be initiated. Parents also have the right to request a FIIE at any time. Regardless of the process in place for screening and data review, whenever accumulated data indicate that a student continues to struggle with one or more of the components of reading, despite the provision of adequate instruction and intervention, the student must be referred for a full individual and initial evaluation under the IDEA.

The box below will be deleted; the new flowchart on the following page will replace this figure.

Figure 2.5
Universal Screening and Data Review for
Reading Risk

In kindergarten and first grade, universal screening for reading and dyslexia is administered as required by TEC §28.006 and §38.003(a)

- Kindergarten students must be administered a reading instrument at the beginning of the year (BOY), and may be administered a reading instrument at middle of year (MOY), and end of year (EOY)
- Kindergarten students must be screened for dyslexia at the end of the school year.

- First grade students must be administered a reading instrument at BOY and may be administered a reading instrument at MOY, and EOY
- First grade students must be screened for dyslexia not later than January 31.

Does the screener show the student MAY be at risk for reading difficulties?

NO
Continue grade level, evidence-based core reading instruction.
(Tier 1)

YES
Collect and review quantitative and qualitative data on the student
(See Figures 2.3 and 2.4)

Does the analysis show that the student exhibits characteristics of dyslexia or other specific learning disabilities?

NO
Continue grade level, evidence-based core reading instruction (Tier 1) and provide any other appropriate tiered interventions.

YES
Seek parental consent for a Full Individual Initial Evaluation (FIIE) and, if the school receives consent, conduct the FIIE within 45 school days, while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions. The ARD committee (including the parent) meets to review the results of the FIIE.

See Figure 3.8

Figure 2.5 Universal Screening and Data Review for Reading Risk

Universal Screening and Data Review for Reading Risk

In kindergarten and first grade, universal screening for reading and dyslexia is administered as required by TEC §28.006 and §38.003(a)

- ☐ Kindergarten students must be administered a reading instrument at the beginning of the year (BOY), and may be administered a reading instrument at middle of year (MOY), and end of year (EOY)
- ☐ Kindergarten students must be screened for dyslexia at the end of the school year.
- ☐ First grade students must be administered a reading instrument at BOY and may be administered a reading instrument at MOY, and EOY
- ☐ First grade students must be screened for dyslexia not later than January 31.

Does the screener show the student MAY be at risk for reading difficulties?

NO

Continue grade level, evidence-based core reading instruction. (Tier 1)

YES

Collect and review quantitative and qualitative data on the student (See Figures 2.3 and 2.4)

Does the analysis show that the student exhibits characteristics of dyslexia?

NO

Continue grade level, evidence-based core reading instruction (Tier 1) and provide any other appropriate tiered interventions.

YES

Seek parental consent for a Full Individual Initial Evaluation (FIIE) and follow all required procedures, including giving parents the required Overview of Special Education for Parents form, and, if the school receives consent, conduct the FIIE within 45 school days, while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions. The ARD committee (including the parent) meets to review the results of the FIIE.

See Figure 3.8

Ongoing progress monitoring allows educators to assess student academic performance in order to evaluate student response to evidence-based instruction. Progress monitoring is also used to make diagnostic decisions regarding additional targeted instruction that may be necessary for the student.

While some kindergarten and first grade students may not initially appear to be at risk for dyslexia based on screening results, they may actually still be at risk. Students who have learned to compensate for lack of reading ability and twice-exceptional students are two groups who may not initially appear to be at risk for dyslexia based on the results of a screening instrument.

Compensation

Some older students may not appear at first to exhibit the characteristics of dyslexia. They may demonstrate relatively accurate, but not fluent, reading.

> *The consequence is that such dyslexic older children may appear to perform reasonably well on a test of word reading or decoding; on these tests, credit is given irrespective of how long it takes the individual to respond or if initial errors in reading are later corrected.*

> —Shaywitz, S.E., Morris, R., Shaywitz, B.A., The Education of Dyslexic Children from Childhood to Young Adulthood, 2008

Awareness of this developmental pattern is critically important for the diagnosis in older children, young adults, and beyond. According to Shaywitz, et al., examining reading fluency and reading rate would provide more accurate information for these students.

Twice Exceptionality

Twice-exceptional students may not initially appear to be at risk for dyslexia. Twice exceptional, or 2e, is a term used to describe students who are both intellectually gifted and learning disabled, which may include students with dyslexia. Parents and teachers may fail to notice either giftedness or dyslexia in a student as the dyslexia may mask giftedness or the giftedness may mask dyslexia.

The International Dyslexia Association's Gifted and Dyslexic: Identifying and Instructing the Twice Exceptional Student Fact Sheet (2013), identifies the following common characteristics of twice-exceptional students.

- Superior oral vocabulary
- Advanced ideas and opinions
- High levels of creativity and problem-solving ability
- Extremely curious, imaginative, and questioning
- Discrepant verbal and performance skills
- Clear peaks and valleys in cognitive test profile
- Wide range of interests not related to school
- Specific talent or consuming interest area
- Sophisticated sense of humor

For additional information on twice-exceptional students, see Chapter IV, Critical, Evidence-Based Components of Dyslexia Instruction.

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

Best Practices in Progress Monitoring

It is essential that schools continue to monitor students for common risk factors for dyslexia in second grade and beyond. In accordance with TEC §38.003(a), school districts **MUST** evaluate for dyslexia at appropriate times. If regular progress monitoring reflects a difficulty with reading, decoding, and/or reading comprehension, it is appropriate to evaluate for dyslexia and/or other learning disabilities. [~~Free tools approved by the commissioner of education as of the 2021-2022 school year can assist districts in measuring student's reading development at first and second grade.~~] For more information on these tools, see the TEA Early Childhood Data Tool Selection Guidance. Schools should be aware that a student may have reached middle school or high school without ever being screened, evaluated, or identified; however, the student may have dyslexia or a related disorder. One goal of ongoing monitoring is to identify these students regardless of their grade level.

Therefore, it is important to remember that a referral for a dyslexia evaluation can be considered at any time kindergarten–high school.

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III. PROCEDURES FOR THE EVALUATION AND IDENTIFICATION OF STUDENTS WITH DYSLEXIA

Science has moved forward at a rapid pace so that we now possess the data to reliably define dyslexia, to know its prevalence, its cognitive basis, its symptoms and remarkably, where it lives in the brain and evidence-based interventions which can turn a sad, struggling child into not only a good reader, but one who sees herself as a student with self-esteem and a fulfilling future.

—Shaywitz, S.E. Testimony Before the Committee on Science,
Space, and Technology, U.S. House of Representatives, 2014

The evaluation and identification process for dyslexia can be multifaceted. The process involves both state and federal requirements that must be followed. The evaluation and identification process for students suspected of having dyslexia is guided by the Individuals with Disabilities Education Act (IDEA).

In Texas and throughout the country, there is a focus on a Response to Intervention (RTI) or a Multi-Tiered System of Supports (MTSS) process as a vehicle for meeting the academic and behavioral needs of all students. [~~The components of the Student Success Initiative (SSI) and other state-level programs offer additional support.~~] Current federal legislation under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), calls for the use of benchmark assessments for early identification of struggling students before they fail. In fact, state law requires the use of early reading assessments that are built on substantial evidence of best practices. Carefully chosen, these assessments can give crucial information about a student's learning and can provide a basis for the tiered intervention model. Through the tiered intervention process, schools can document students' learning difficulties, provide ongoing evaluation, and monitor reading achievement progress for students at risk for dyslexia or other reading difficulties.

Early intervention is further emphasized as the result of research using neuroimaging. Diehl, Frost, Mencl, and Pugh (2011) discuss the need to determine the role that deficits in phonological awareness and phonemic awareness play in reading acquisition, thus improving the methodology for early intervention. The authors note that future research will be enabled by longitudinal studies of phonology remediation using various treatments. "It will be especially important to take a multilevel analysis approach that incorporates genetics, neuroanatomy, neurochemistry, and neurocircuitry, and also to combine the strengths of the different neuroimaging techniques" (Diehl et al., 2011, p. 230). Evaluation followed by structured intervention that incorporates new scientific research must be embraced.

State and Federal Law Regarding Early Identification and Intervention Prior to Formal Evaluation

Both state and federal legislation emphasize early identification and intervention for students who may be at risk for reading disabilities such as dyslexia. Those professionals responsible for working with students with reading difficulties should be familiar with the legislation listed in Figure 3.1 below.

Figure 3.1. State and Federal Laws
TEC §28.006, Reading Diagnosis   This state statute requires schools to administer early reading instruments to all students in kindergarten and grades 1 and 2 to assess their reading development and comprehension. Additionally, the law requires a reading instrument from the commissioner's approved list be administered at the beginning of grade 7 to any student who did not

demonstrate proficiency on the sixth-grade reading assessment administered under TEC §39.023(a). If, on the basis of the reading instrument results, students are determined to be at risk for dyslexia or other reading difficulties, the school must notify the students' parents/guardians. According to TEC §28.006(g), the school must also implement an accelerated (intensive) reading program that appropriately addresses the students' reading difficulties and enables them to catch up with their typically performing peers.

TEC §38.003, Screening and Treatment for Dyslexia
Texas state law requires that public school students be screened and tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program approved by the SBOE must include screening for each student at the end of the kindergarten year and [then again] during first grade.

Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act of 2015 (ESSA) The services offered to students who are reported to be at risk for dyslexia or other reading difficulties should align to the requirements of ESSA, which requires schools to implement comprehensive literacy instruction featuring "age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension" (ESSA, 2015).

Equal Education Opportunity Act (EEOA)
This civil rights law ensures that all students are given equal access to educational services regardless of race, color, sex, religion, or national origin. Therefore, research-based interventions are to be provided to all students experiencing difficulties in reading, including ELs, regardless of their proficiency in English.

Individuals with Disabilities Education Act (IDEA)
The most recent reauthorization of this federal act is consistent with ESSA in emphasizing quality of instruction and documentation of student progress. A process based on the student's response to scientific, research-based intervention is one of the criteria included in IDEA that individual states may use in determining whether a student has a specific learning disability, including dyslexia.

As referenced in the 2011 letter from the Office of Special Education Programs (OSEP) to the State Directors of Special Education, states have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of the RTI process (Musgrove, 2011). For more information, please visit https://sites.ed.gov/idea/idea-files/osep-memo-11-07-response-to-intervention-rti-memo/.

The Referral Process for Dyslexia and Related Disorders

The determination to refer a student for an evaluation must always be made on a case-by-case basis and must be driven by data-based decisions. The referral process itself can be distilled into a basic framework as outlined below.

Data-Driven Meeting of Knowledgeable Persons
A team of persons with knowledge of the student, instructional practices, and instructional options meets to discuss data collected, including data obtained during kindergarten and/or first grade screening, and the implications of that data. These individuals include, but are not limited to, the classroom teacher, administrator, special education teacher, [dyslexia specialist,] and/or provider of dyslexia instruction. [interventionist.] This team may also include the parents and/or a diagnostician familiar with testing and interpreting evaluation results. This team may have different names in different districts and/or campuses. For example, the team may be called a student success team, student support team, student intervention team, or even something else. Unless the student is already served under IDEA or Section 504, this team of knowledgeable persons is not an Admission, Review, and Dismissal (ARD) committee or a Section 504

committee, although many of these individuals may be on a future committee if the student is referred for an evaluation.

When the Data Does Not Lead to Suspicion of a Disability, Including Dyslexia or a Related Disorder

If the team determines that the data does not give the members reason to suspect that a student has dyslexia, a related disorder, or other disability, the team may decide to provide the student with additional support in the classroom or through the RTI/MTSS process. The student should continue to receive grade level, evidence-based core reading instruction. (Tier 1) and any other appropriate tiered interventions. However, the student is not referred for an evaluation at this time.

When the Data Lead to a Suspicion of a Disability, Including Dyslexia or a Related Disorder
If the team suspects that the student has dyslexia, a related disorder, or another disability included within the IDEA, the team must refer the student for a full individual and initial evaluation (FIIE). In most cases, an FIIE under the IDEA must be completed within 45-school days from the time a district or charter school receives parental consent. The student should continue to receive grade level, evidence-based core reading instruction (Tier 1) and any other appropriate tiered interventions while the school conducts the FIIE.

If an LEA suspects, or has reason to suspect, a student has dyslexia and may be a child with a disability under IDEA, the LEA must provide parents with a form developed by TEA explaining rights under IDEA that may be additional to rights under Section 504; comply with all federal and state requirements, including this handbook, regarding any evaluation; and if the student is to be evaluated for dyslexia, evaluate the student in all other areas of suspected disabilities. The form can be located on the SPEDTEX website at www.spedtex.org.

Parents/guardians always have the right to request a referral for a dyslexia evaluation at any time. Once a written parent request for dyslexia evaluation has been made to the appropriate administrator, the school district is obligated to review the student's data history (both formal and informal data) to determine whether there is reason to suspect the student has a disability and must respond within 15 school days. If a disability is suspected, the student needs to be evaluated following the guidelines outlined in this chapter. Under the IDEA, if the school refuses the request to evaluate, it must give parents prior written notice of 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, a copy of the Overview of Special Education for Parents form as mentioned above, and a copy of the *Notice of Procedural Safeguards*. Should the parent disagree with the 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.

When an LEA completes an FIIE, and the parent disagrees with the evaluation, [Additionally,] the parent may request an Independent Educational Evaluation (IEE) at public expense. Should the parent believe that their child is eligible for Section 504 aids, accommodations, and services the parent may request an evaluation under Section 504.

Procedures for Evaluation

As discussed in Chapter 2, Child Find is a provision in the federal 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. For detailed information regarding Child Find see https://spedsupport.tea.texas.gov/sites/default/files/2024-01/technical-assistance-child-find-and-evaluation-guide.pdf [https://tea.texas.gov/sites/default/files/Technical%20Assistance%20-%20Child%20Find%20and%20Evaluation%20-%20June%202020%20Revised%28v5%29.pdf]

As discussed in Chapter II, all public-school students are required to be screened for dyslexia while in kindergarten and first grade. [grade 1.] Additionally, students enrolling in public schools in Texas must be assessed for dyslexia and related disorders "at appropriate times" (TEC §38.003(a)). The appropriate time depends upon multiple factors including the student's reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teachers' input; and input from parents/guardians. The appropriate time for assessing is early in a student's school career (19 TAC §74.28). Texas Education Code §28.006, Reading Diagnosis, requires assessment of reading development and comprehension for students in kindergarten, first grade, second grade, and as applicable, seventh grade. While earlier is better, students should be recommended for evaluation for dyslexia even if the reading difficulties appear later in a student's school career.

While schools must follow federal and state guidelines, they must also develop local procedures that address the needs of their student populations. Schools must recommend evaluation for dyslexia if the student demonstrates the following:

- Poor performance in one or more areas of reading and spelling that is unexpected for the student's age/grade

- Characteristics and risk factors of dyslexia indicated in Chapter I: Definitions & Characteristics of Dyslexia

1. Data Gathering

Schools collect data on all students to ensure that instruction is appropriate and scientifically based. Essential components of comprehensive literacy instruction are defined in Section 2221(b) of ESSA as explicit, systematic, and intentional instruction in the following:

- Phonological awareness

- Phonic coding

- Vocabulary

- Language structure

- Reading fluency

- Reading comprehension

When evaluating a student for dyslexia, the collection of various data, as indicated in Figure 3.2 below, will provide information regarding factors that may be contributing to or primary to the student's struggles with reading and spelling.

Cumulative Data

The academic history of each student will provide the school with the cumulative data needed to ensure that underachievement in a student suspected of having dyslexia is not due to lack of appropriate instruction in reading. This information should include data that demonstrate that the student was provided appropriate instruction and include data-based documentation of repeated evaluations of achievement at reasonable intervals (progress monitoring), reflecting formal evaluation of student progress during instruction. These cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure 3.2.

Figure 3.2. Sources and Examples of Cumulative Data
• Vision screening
• Hearing screening
• Teacher reports of classroom concerns
• Classroom reading assessments
• Accommodations or interventions provided
• Academic progress reports (report cards)
• Gifted/talented assessments
• Samples of schoolwork
• Parent conference notes
• Results of kindergarten-grade 1 universal screening as required in TEC §38.003
• K–2 reading instrument results as required in TEC §28.006 (English and native language, if possible)
• 7th-grade reading instrument results as required in TEC §28.006
• State student assessment program results as described in TEC §39.022
• Observations of instruction provided to the student
• Previous evaluations
• Outside evaluations
• Speech and language assessment
• School attendance
• Curriculum-based assessment measures
• Instructional strategies provided and student's response to the instruction
• Screening data
• Parent survey

Environmental and Socioeconomic Factors

Information regarding a child's early literacy experiences, environmental factors, and socioeconomic status must be part of the data collected throughout the data gathering process. These data support the determination that difficulties in learning are not due to cultural factors or environmental or economic disadvantage. Studies that have examined language development and the effects of home experiences on young children indicate that home experiences and socioeconomic status have dramatic effects on cumulative vocabulary development (Hart & Risley, 1995). Having data related to these factors may help in determining whether the student's struggles with reading are due to a lack of opportunity or a reading disability, including dyslexia.

Language Proficiency

Much diversity exists among EB students [ELs]. A student's language proficiency may be impacted by any of the following: native language, English exposure, parent education, socioeconomic status of the family, amount of time in the United States, experience with formal schooling, immigration status, community demographics, and ethnic heritage (Bailey, Heritage, Butler, & Walqui, 2000). EB students [ELs] may be students served in bilingual and English as a second language (ESL) programs as well as students designated as EB [Limited English Proficient (LEP)] whose parents have

denied services. In addition to the information discussed in the previous section of this chapter, the Language Proficiency Assessment Committee (LPAC) maintains documentation (TAC §89.1220(g)-(i)) that is necessary to consider when identifying EB students [ELs] with dyslexia. The LPAC is required to meet annually to review student placement and progress and consider instructional accommodations and interventions to address the student's linguistic needs. Since the identification and service delivery process for dyslexia must be aligned to the student's linguistic environment and educational background, involvement of the LPAC is required. Additional data sources for EB students [ELs] are provided below in Figure 3.3.

Figure 3.3. Additional Data Sources for Emergent Bilingual [English Learners] Students
• Home Language Survey
• Assessment related to identification for limited English proficiency (oral language proficiency test [and norm-referenced tests—all years available)]
• Texas English Language Proficiency Assessment System (TELPAS) information for four language domains (listening, speaking, reading, and writing)
• Instructional interventions provided to address language needs
• Information regarding previous schooling inside and/or outside the United States
• Type of language program model provided and language of instruction

Formal Evaluation

A formal evaluation is not a screening; rather, it is an individualized evaluation used to gather specific data about the student. Formal evaluation includes both formal and informal data. All data will be used to determine whether the student demonstrates a pattern of evidence that indicates dyslexia. Information collected from the parents/guardians also provides valuable insight into the student's early years of language development. This history may help explain why students come to the evaluation with many different strengths and weaknesses; therefore, findings from the formal evaluation will be different for each child. Professionals conducting evaluations for the identification of dyslexia will need to look beyond scores on standardized assessments alone and examine the student's classroom reading performance, educational history, early language experiences, and, when warranted, academic potential to assist with determining reading, spelling, and writing abilities and difficulties. As part of the evaluation when dyslexia is suspected, in addition to the parent, the multidisciplinary team (MDT) must include at least one member with specific knowledge regarding: [and team of qualified professionals required under IDEA, it is recommended that the multi-disciplinary evaluation team include members who have specific knowledge regarding]

- the reading process,
- dyslexia and related disorders, and
- dyslexia instruction.

TEC §29.0031(b) states this member must:
  (1) hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;
  (2) hold 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, the program and rules adopted under Sections 7.102 and 38.003; or
  (3) if a person qualified under subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003.

This member must also sign a document describing the member's participation in the evaluation of the student.

LEAs must prioritize the individuals who meet the credentials of items (1) and (2) above when designating an individual

to fill this role, as those are the statutorily required professionals. To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)- accredited course at the teaching or therapy level.

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2) above, an LEA may identify another individual to serve in this role who, within the school year of being designated as such member, must:

- register and complete the Texas Education Agency's (TEA's) Texas Dyslexia Academies (TDAs);

- register and complete the TEA's Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and

- must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

Notification and Permission

When an FIIE is recommended, parents are provided: [When formal evaluation is recommended, the school must complete the evaluation process as outlined in the IDEA. Procedural safeguards under IDEA must be followed. For more information on procedural safeguards, see TEA's Parent Guide to the Admission, Review, and Dismissal Process (Parent's Guide) and the]

- Prior Written Notice (PWN)

- Notice of Procedural Safeguards

- Overview of Special Education for Parents form

- Opportunity for parent to provide written consent to evaluate

Tests and Other Evaluation Materials

When formal evaluation is recommended, the school must complete the evaluation procedures as outlined in the IDEA.

Test instruments and other evaluation materials must meet the following criteria:

- Used for the purpose for which the evaluation or measures are valid or reliable

- Include material(s) tailored to assess specific areas of educational need and not merely material(s) that are designed to provide a single, general intelligence quotient

- Selected and administered to ensure that when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level, or whatever other factor the test purports to measure rather than reflecting the student's impaired sensory, manual, or speaking skills

- Selected and administered in a manner that is not racially or culturally discriminatory

- Include multiple measures of a student's reading abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion-referenced evaluations, results of informal reading inventories, classroom observations)

- Administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials

- Provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally unless it is clearly not feasible to provide or administer

Additional Considerations for EB students [English Learners]

A professional involved in the evaluation, interpretation of evaluation results, and identification of EB students [ELs]with dyslexia must have the following training/knowledge:

- Knowledge of first and second language acquisition theory

- Knowledge of the written system of the first language: transparent (e.g., Spanish, Italian, German), syllabic (e.g., Japanese-kana), Semitic (e.g., Arabic, Hebrew), and morphosyllabic (e.g., Chinese-Kanji)

- Knowledge of the student's literacy skills in native and second languages

- Knowledge of how to interpret results from a cross-linguistic perspective

- Knowledge of how to interpret TELPAS (Texas English Language Proficiency Assessment System) results

- Knowledge of how to interpret the results of the student's oral language proficiency in two or more languages in relation to the results of the tests measuring academic achievement and cognitive processes as well as academic data gathered and economic and socioeconomic factors

Although data from previous formal testing of the student's oral language proficiency may be available, as required by TEC §29.056, additional assessment of oral language proficiency should be completed for a dyslexia evaluation due to the importance of the information for—

- consideration in relation to academic challenges,

- planning the evaluation, and

- interpreting evaluation results.

If there is not a test in the native language of the student, informal measures of evaluation such as reading a list of words and listening comprehension in the native language may be used.

Domains to Assess Specific to Dyslexia

Academic Skills

The school administers measures that are related to the student's educational needs. Difficulties in the areas of letter knowledge, word decoding, and fluency (rate, accuracy, and prosody) may be evident depending upon the student's age and stage of reading development. In addition, many students with dyslexia may have difficulty with reading comprehension and written composition.

Cognitive Processes

Difficulties in phonological and phonemic awareness are typically seen in students with dyslexia and impact a student's ability to learn letters and the sounds associated with letters, learn the alphabetic principle, decode words, and spell accurately. Rapid naming skills may or may not be weak, but if deficient, they are often associated with difficulties in automatically naming letters, reading words fluently, and reading connected text at an appropriate rate. Memory for letter patterns, letter sequences, and the letters in whole words (orthographic processing) may be selectively impaired or may coexist with phonological processing weaknesses. Finally, various language processes, such as morpheme and syntax awareness, memory and retrieval of verbal labels, and the ability to formulate ideas into grammatical sentences, may also be factors affecting reading (Berninger & Wolf, 2009, pp. 134–135).

Based on the student's academic difficulties, characteristics, and/or language acquisition, additional areas related to vocabulary, listening comprehension, oral language proficiency, written expression, and other cognitive abilities may need to be assessed. Areas for evaluation are provided below in Figure 3.4.

Figure 3.4. Areas for Evaluation		
Academic Skills	**Cognitive Processes**	**Possible Additional Areas**
• Letter knowledge (name and associated sound) • Reading words in isolation • Decoding unfamiliar words accurately • Reading fluency (rate, accuracy, and prosody are assessed) • Reading comprehension • Spelling	• Phonological/phonemic awareness • Rapid naming of symbols or objects	• Vocabulary • Listening comprehension • Verbal expression • Written expression • Handwriting • Memory for letter or symbol sequences (orthographic processing) • Mathematical calculation/reasoning • Phonological memory • Verbal working memory • Processing speed

Review and Interpretation of Data and Evaluations

The MDT, which includes the parent/guardian, completes the FIIE and determines if the student demonstrates the characteristics of dyslexia, explains the impact of dyslexia on the student's access and progress in the enrolled grade-level general curriculum. The next step is for the ARD committee, which includes the parent, to determine if a student has dyslexia and the need for special education and related services. Eligibility is determined by federal and state law and regulations.

The ARD committee will review the FIIE and all available data to determine eligibility for special education and related services. When a student is determined to have dyslexia by the ARD committee and the data shows a need for specially designed instruction i.e., evidence-based dyslexia instruction, then the student meets the two prongs of special education eligibility. The student has a qualifying disability – as dyslexia is an SLD under the IDEA and state law – and demonstrates a need for specially designed instruction.

To appropriately **understand** evaluation data, the ARD committee must **interpret** test results in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning. When considering initial or continued eligibility for the condition of dyslexia, the ARD committee must include at least one member [in addition to required ARD committee members, the committee should also include members] who [have] has specific knowledge regarding—

- the reading process,
- dyslexia and related disorders, and
- dyslexia instruction.

TEC §29.0031(b) states this member must:
    (4) hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;
    (5) hold 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, the program and rules adopted under

Sections 7.102 and 38.003; or

(6) if a person qualified under subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003.

This member must also sign a document describing the member's participation in the individualized education program (IEP) of the student.

LEAs must prioritize the individuals who meet the credentials of items (1) and (2) above when designating an individual to fill this role, as those are the statutorily required professionals. To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)- accredited course at the teaching or therapy level.

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2) above, an LEA may identify another individual to serve in this role who, within the school year of being designated as such member, must:

- register and complete the Texas Education Agency's (TEA's) Texas Dyslexia Academies (TDAs);

- register and complete the TEA's Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and

- must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

A determination must first be made regarding whether a student's difficulties in the areas of reading and spelling reflect a pattern of evidence for the primary characteristics of dyslexia with unexpectedly low performance for the student's age and educational level in **some or all** of the following areas:

- Reading words in isolation

- Decoding unfamiliar words accurately and automatically

- Reading fluency for connected text (rate and/or accuracy and/or prosody)

- Spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia)

Another factor to consider when interpreting test results is the student's linguistic background. The nature of the writing system of a language impacts the reading process. Thus, the identification guideposts of dyslexia in languages other than English may differ. For example, decoding in a language with a transparent written language (e.g., Spanish, German) may not be as decisive an indicator of dyslexia as reading rate. A transparent written language has a close letter/sound correspondence (Joshi & Aaron, 2006). Students with dyslexia who have or who are being taught to read and write a transparent language may be able to decode real and nonwords adequately but demonstrate serious difficulties in reading rate with concurrent deficiencies in phonological awareness and rapid automatized naming (RAN).

Figure 3.5. Dyslexia in Transparent and Opaque Orthographies	
Opaque	**Transparent**
Early and marked difficulty with word-level reading Fluency and comprehension often improve once decoding is mastered	Less difficulty with word-level reading More difficulty with fluency and comprehension

Figure 3.6. Characteristics of Dyslexia in English and Spanish	
English	**Spanish**
Phonological awareness	Phonological awareness – may be less pronounced
Rapid naming	Rapid naming
Regular/irregular decoding	Decoding – fewer "irregular words" in Spanish
Fluency	Fluency – often a key indicator
Spelling	Spelling – may show fewer errors than in English, but still more than students that do not have dyslexia
Reading comprehension may be a weakness in both English and Spanish.	

Findings support guidance in the interpretation of phonological awareness test scores.

> *There is evidence that blending skills develop sooner than analysis skills, and that students can have good blending skills and inadequate reading development. Only when both blending and analysis skills are mastered do we see benefits for reading development.*
>
> —Kilpatrick, D.A. *Essentials of Assessing, Preventing, and Overcoming Reading Difficulties*, 2015

With this in mind, when determining phonological awareness deficits, evaluation personnel should examine subtest scores, including discreet phonological awareness skills, instead of limiting interpretation to composite scores since a deficit in even one skill will limit reading progress.

Based on the above information and guidelines, should the ARD committee determine that the student exhibits weaknesses in reading and spelling, the committee will then examine the student's data to determine whether these difficulties are **unexpected** in relation to the student's other abilities, sociocultural factors, language difference, irregular attendance, or lack of appropriate and effective instruction. For example, the student may exhibit strengths in areas such as reading comprehension, listening comprehension, math reasoning, or verbal ability yet still have difficulty with reading and spelling.

Therefore, it is not one single indicator but a preponderance of data (both informal and formal) that provide the committee with evidence for whether these difficulties are unexpected.

Dyslexia Identification

If the student's difficulties are unexpected in relation to other abilities, the ARD committee must then determine if the student has dyslexia. For EB students [ELs], an LPAC representative must be included on the ARD committee. The list of questions in Figure 3.7 below must be addressed by the MDT in the evaluation report to assist the ARD committee when determining whether dyslexia is present [considered when making a determination regarding dyslexia].

Figure 3.7. Questions to Determine the Identification of Dyslexia

• Do the data show the following characteristics of dyslexia?
 	
    o Difficulty with accurate and/or fluent word reading
 	
    o Poor spelling skills
 	
    o Poor decoding ability
 	
• Do these difficulties (typically) result from a deficit in the phonological component of language?
 	
(Please be mindful that average phonological scores alone do not rule out dyslexia.)
 	
• Are these difficulties unexpected for the student's age in relation to the student's other abilities and provision of effective classroom instruction?

If, through the evaluation process, it is established that the student has the condition of dyslexia, as described in Chapter 1, then the student meets the first prong of eligibility under the IDEA (identification of condition). In other words, the identification of dyslexia, using the process outlined in this chapter, meets the criterion for the condition of a specific learning disability[in basic reading and/or reading fluency]. Dyslexia is a specific learning disability and should be noted as the specific learning disability.

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.

In IDEA, dyslexia is considered one of a variety of etiological foundations for specific learning disability (SLD). Section 34 C.F.R. §300.8(c)(10) states the following:

> *Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.*

The term *SLD* does not apply to children who have learning difficulties that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

The IDEA evaluation requirements for SLD eligibility in 34 C.F.R. §300.309(a)(1) specifically designate the following areas for a learning disability in reading: basic reading skills (dyslexia), reading fluency skills, and/or reading comprehension. However, for purposes of §TEC 29.0031(a), because dyslexia is an example of and meets the definition of an SLD, dyslexia should be noted as the identified SLD and be included in the evaluation and any resulting IEP for a student.

The October 23, 2015 letter from the Office of Special Education and Rehabilitative Services (OSERS) (Dear Colleague: Dyslexia Guidance) states that dyslexia, dyscalculia, and dysgraphia are conditions that could qualify a child as a child with a specific learning disability under the IDEA. The letter further states that there is nothing in the IDEA that would prohibit the use of the terms *dyslexia*, *dyscalculia*, and *dysgraphia* in the IDEA evaluation, eligibility determinations, or IEP documents. For more information, please visit
[https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf.]

A 2018 Letter to the Administrator Addressed from the Texas Education Agency regarding the provision of services for students with dyslexia and related disorders states that any time it is suspected that a student requires special education or related services to provide appropriate reading supports and interventions, a referral for an FIIE should be initiated. The letter further states that all students who are identified with dyslexia or a related disorder *and* who require special education services because of dyslexia or a related disorder are eligible under the IDEA for special education and related services as students with a specific learning disability. For more information, please visit https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Provision_of_Servic es_for_Students_with_Dyslexia_and_Related_Disorders_-_Revised_June_6,_2018/

Once the condition of dyslexia has been identified, a determination must be made regarding the most appropriate way to serve the student. If a student with dyslexia is found eligible for special education (i.e., student requires dyslexia instruction, which is specially designed instruction), the student's IEP must include appropriate reading instruction. Appropriate reading instruction includes the components and delivery of dyslexia instruction discussed in Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction. If a student has previously met special education eligibility and is later identified with dyslexia, the ARD committee should include in the IEP goals that reflect the need for dyslexia instruction and determine the least restrictive environment for delivering the student's dyslexia instruction.

If—based on the data—the student is identified with dyslexia, but is not eligible for special education because the student is determined to not need dyslexia instruction, the student may receive [dyslexia instruction and] accommodations under Section 504.

A student who is found not eligible under the IDEA, but who is identified with the condition of dyslexia through the FIIE process should not be referred for a second evaluation under Section 504. Instead, the Section 504 committee will use the FIIE and develop an appropriate plan for the student without delay.

For students eligible for Section 504, a Section 504 committee will develop the student's Section 504 Plan, which must include appropriate instructional accommodations [reading instruction] to meet the individual needs of the student. A student identified with dyslexia and who needs dyslexia instruction would not be served under Section 504, as this is a specially designed instruction.

[Appropriate reading instruction includes the components and delivery of standard protocol dyslexia instruction identified in Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction. Revision of the Section 504 Plan will occur as the student's response to instruction and to the use of accommodations, if any, is observed. Changes in instruction and/or accommodations must be supported by current data (e.g., classroom performance and dyslexia program monitoring).]

Figure 3.8 has been replaced by the flowchart on the following page.

Figure 3.8

Pathways for the Identification and Provision of Instruction for Students with Dyslexia

A. Universal screening for kindergarten and first grade students

Does the screener show the student is at risk for reading difficulties?

In all grades, is the student suspected of having dyslexia or any other specific learning disability?

NO → Continue grade level, evidence-based core reading instruction. (Tier 1)

Y → B. Collect and review quantitative and qualitative data

Does the analysis show that the student exhibits characteristics of dyslexia or other specific learning disabilities?

NO → Continue grade level, evidence-based core reading instruction (Tier 1) and provide any other appropriate tiered interventions.

YES → C. Seek parental consent for a **Full Individual and Initial Evaluation (FIIE).**

Does the parent give consent for an FIIE?

NO → D. Seek parental consent for a **Section 504** evaluation.

Does the parent give consent for a Section 504 evaluation?

YES → E. Conduct **FIIE**

Does the student have an IDEA eligible condition such as dyslexia or a related disorder?

YES → F. Conduct an evaluation under **Section 504**

Does the student's dyslexia or related disorder substantially limit one or more of life's major activities such as learning, reading, writing, or spelling?

NO → Continue grade level, evidence-based core reading instruction (Tier 1) and provide any other appropriate tiered interventions.

YES → G. The ARD committee determines if a need for special education services exists.

Does the student require special education because of the identified IDEA eligible condition?

YES → H. The student is eligible for Section 504.

NO → Continue grade level, evidence-based core reading instruction (Tier 1) and provide any other appropriate tiered interventions.

NO → J. The student is eligible for Section 504.

YES → I. The student is eligible for special education.

*See next page for additional detail.

Figure 3.8

Pathway for the Identification and Provision of Instruction for Students with Dyslexia

1 | Universal screening for kindergarten and first grade students

Does the screener show the student is at risk for dyslexia?

NO →

Continue grade level, evidence-based core reading instruction. (Tier 1)

YES ↓

In all grades, is the student suspected of having dyslexia?

YES ↓

2 | Collect and review quantitative and qualitative data

Does the analysis show that the student exhibits characteristics of dyslexia?

NO →

Continue grade level, evidence-based core reading instruction (Tier 1) and provide any other appropriate tiered interventions.

YES ↓

3 | Seek parental consent for a Full Individual and Initial Evaluation (FIIE)

Does the parent give consent for an FIIE?

NO →

Continue grade level, evidence-based core reading instruction (Tier 1) and provide any other appropriate tiered interventions.

Consider whether the student should be referred for a **Section 504** evaluation.

YES ↓

4 | Conduct FIIE

Does the evaluation report completed by the multidisciplinary team indicate that dyslexia is present?

NO →

YES ↓

5 | The ARD committee determines eligibility for special education services

If the ARD committee determines that the student has the condition of dyslexia and needs evidence-based dyslexia instruction, then the student is eligible for special education services.

[Pathway to the Identification and Provision of Instruction for Students with Dyslexia

A. Universal Screening for reading and dyslexia is administered to all students in kindergarten and first grade as required by TEC §28.006 and §38.003(a).

B. If a student is at risk for reading difficulties or the student is suspected of having dyslexia or any other specific learning disability, collect and review quantitative and qualitative data on the student. See Figures 2.3 and 2.4 in Dyslexia Handbook for more information.

C. If the analysis shows that the student exhibits characteristics of dyslexia or other specific learning disabilities, seek parental consent for a Full Individual and Initial Evaluation (FIIE), while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions.

D. For students suspected of having dyslexia, if the parent does not give consent for an FIIE, seek parental consent for a Section 504 evaluation, while continuing to provide grade level, evidence- based core reading instruction (Tier 1) and providing appropriate tiered interventions.	E. If the parent gives consent for an FIIE, conduct the FIIE within 45 school days (subject to limited exceptions) of the date of receipt of parent consent, while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions. The ARD committee (including the parent) must meet to review the results of the FIIE.
F. If the parent gives consent for a Section 504 evaluation, conduct an evaluation under Section 504 while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions.	G. If a student has an IDEA eligible condition such as dyslexia or a related disorder, the ARD committee determines if a need for special education services exists.
H. If the student's dyslexia or related disorder substantially limits one or more of life's major activities such as learning, reading, writing, or spelling, the student is eligible for Section 504, the 504 committee (parent participation is recommended) develops a Section 504 plan for the student to provide services including standard protocol dyslexia instruction, accommodations, and/or related aids specific to the student's disability.	I. If the student requires special education because of the identified IDEA eligible condition, the student is eligible for special education. The ARD committee develops the IEP for the student to receive specially designed instruction which can include **any appropriate special education and related services, and general education programs and services**, including standard protocol dyslexia instruction. While an IEP is individualized to the student, the IEP should address critical, evidence-based components of dyslexia instruction such as phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. The determination of eligibility and the development of an IEP, if the student is eligible, must be done within 30 days (subject to limited exceptions) from the date that the written FIIE evaluation report is completed. Obtain parental consent for special education services.
	J. If the parent declines, the LEA must still provide all general education services including any protections available under Section 504.]

Dyslexia is a lifelong condition. However, with proper help, many people with dyslexia can learn to read and write well. Early identification and treatment is the key to helping individuals with dyslexia achieve in school and in life.

—The International Dyslexia Association
http://www.interdys.org/ewebeditpro5/upload/DyslexiaBasicsREVMay2012.pdf

There are many initiatives, programs, evaluations, and data available for use in identification, placement, and program planning for students, including emergent bilingual students [~~ELs~~], who struggle with dyslexia. Evaluation and ongoing progress monitoring are key components that must be considered by trained personnel.

A 2014 U.S. Department of Justice technical assistance document summarized regulations regarding testing accommodations for individuals with disabilities as follows.

The Americans with Disabilities Act (ADA) ensures that individuals with disabilities have the opportunity to fairly compete for and pursue such opportunities by requiring testing entities to offer exams in a manner accessible to persons with disabilities. When needed testing accommodations are provided, test-takers can demonstrate their true aptitude.

Sources for Procedures and Evaluation for Students Identified with Dyslexia

Berninger, V. W. & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia lessons from teaching and science.* Baltimore, MD: Paul H. Brookes Publishing.

Diehl, J. D., Frost, S. J., Mencl, W. E., & Pugh, K. R. (2011). Neuroimaging and the phonological deficit hypothesis. In S. Brady, D. Braze, & C. Fowler (Eds.), *In explaining individual difference in reading theory and evidence* (pp. 217–237). New York, NY: Psychology Press.

Elementary and Secondary Education Act as Reauthorized by the Every Student Succeeds Act of 2015. 20 U.S.C. § 2221(b). (2015).

Kilpatrick, D.A. (2015). *Essentials of Assessing, Preventing, and Overcoming Reading Difficulties*. Hoboken, NJ: John Wiley & Sons. (85-86).

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Region 18 Education Service Center. The Legal Framework for the Child-Centered Special Education Process. (2018). Retrieved from http://framework.esc18.net/display/Webforms/LandingPage.aspx.

Shaywitz, S.E. (2014) Testimony Before the Committee on Science, Space, and Technology, U.S. House of Representatives.

U.S. Department of Education. (2015). Dyslexia Guidance. Dear Colleague Letter from the Office of Special Education and Rehabilitative Services. Washington, D.C.

U.S. Department of Justice. (2014). ADA Requirements: Testing Accommodations. [Technical Assistance Document.] Civil Rights Division, Disability Rights Section. Retrieved online at [~~https://www.ada.gov/regs2014/testing_accommodations.pdf.~~]https://www.ada.gov/resources/testing-

IV. CRITICAL, EVIDENCE-BASED COMPONENTS OF DYSLEXIA INSTRUCTION

Although dyslexia affects individuals over the life span . . . reading skills can be increased with the right early intervention and prevention programs . . . It is clear from the consensus of scientifically based reading research that the nature of the educational intervention for individuals with reading disabilities and dyslexia is critical. (pp. 21–22)

— Birsh, J. R. Connecting Research and Practice, 2018

Effective literacy instruction is essential for all students and is especially critical for students identified with dyslexia. High-quality core classroom reading instruction can give students identified with dyslexia a foundation upon which intervention instruction can have a more significant impact.

Texas Education Code §38.003(b) states, "in accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder." The board must also adopt and implement a policy requiring the district to comply with all rules and standards adopted by the SBOE to implement the program, including this handbook and guidance published by the commissioner to assist the district in implementing the program. [SBOE rules in 19 TAC §74.28 require that each school must provide an identified student access at his/her campus to an instructional program that meets the requirements in SBOE rule and to the services of a teacher trained in dyslexia and related disorders. While the components of instruction for students with dyslexia include good teaching principles for all teachers, the explicitness and intensity of the instruction, fidelity to program descriptors, grouping formats, and training and skill of the teachers are wholly different from core classroom instruction and must be considered when making individual placement decisions.]

Evidence-Based Dyslexia Instruction [Standard Protocol Dyslexia Instruction]

While the components of instruction for students with dyslexia include good teaching principles for all teachers, the explicitness and intensity of the instruction, fidelity to program descriptors, grouping formats, and training and skill of the teachers are wholly different from core classroom instruction and must be considered when making individual placement decisions.

For the student who has not benefited from the research-based core reading instruction, the components of instruction will include additional focused intervention as appropriate for the reading needs of the student with dyslexia. Evidence-based dyslexia instruction [Standard protocol dyslexia instruction] provides evidence-based, multisensory structured literacy instruction for students with dyslexia. This instruction [A standard protocol dyslexia instructional program]must be explicit, systematic, and intentional in its approach. This instruction is designed to likely [for all students with dyslexia and will often] take place in a small group setting. Evidence-based dyslexia instruction [Standard protocol dyslexia instruction] must be—

- evidence-based and effective for students with dyslexia;
- taught by an appropriately trained instructor; and
- implemented with fidelity.

Evidence-based dyslexia programs and instruction are considered specially designed instruction (SDI) and therefore special education services, so the provision of those services must follow the IDEA requirements. This means that evidence-based dyslexia instruction is only available to students who are served under IDEA, which prescribes the legal requirements for special education and related services. LEAs must ensure that the provision of evidence-based dyslexia instruction addresses the critical, evidence-based components and methods of delivery described in this chapter.

An LEA's first consideration for every student who requires dyslexia instruction should be an evidence-based dyslexia program taught with fidelity and in accordance with all SBOE dyslexia program requirements included in this handbook. Differentiation that does not compromise the fidelity of the program, such as adjusting the amount of information or pacing of the program, may be necessary to address students' unique needs and to promote progress among students receiving dyslexia instruction. An ARD committee must only consider deviations from the program's fidelity requirements when data collection, a student's present levels of academic achievement and functional performance (PLAAFP), and other areas of the student's IEP clearly indicate the need for more intensive or supplemental supports.

The ARD committee, when discussing how a student will access an LEA's evidence-based dyslexia program, must address the following:

- How the program addresses the required components of dyslexia instruction described in this handbook, and whether the student's PLAAFP or other areas of the IEP show evidence that the program must be supplemented with a focus on one or more components;

- How the program addresses the required instructional delivery methods described the handbook, and whether the student's PLAAFP or other areas of the IEP show evidence that the program must be supplemented to meet the student's needs;

- The fidelity statements/requirements that are included with the program, and how those will be delivered and/or intensified for the student; and

- Confirm that the provider of dyslexia instruction (PDI) is fully trained in the instructional materials to implement the program and how to differentiate the program, as determined by the ARD committee.

Evidence-based dyslexia instruction is not considered to be "regular" education aids and services. Regular aids and services are things like accommodations provided to a student to assist in classroom instruction and access to instruction, such as giving extra time for assignments and allowing speech-to-text capabilities when given a writing assignment. While a Section 504 plan could be appropriate for those needs, the need for evidence-based dyslexia instruction crosses over into a special education need. [Instructional decisions for a student with dyslexia must be made by a committee (Section 504 or ARD) that is knowledgeable about the instructional components and approaches for students with dyslexia. It is important to remember that while dyslexia instruction is most successful when provided as early as possible, older children with reading disabilities will also benefit from focused and intensive remedial instruction.]

[In accordance with 19 TAC §74.28(e), districts must purchase or develop an evidence-based reading program for students with dyslexia and related disorders that incorporates **all** the components of instruction and instructional approaches described in the sections below. As is the case with any instructional program, differentiation that does not compromise the fidelity of a program may be necessary to address different learning styles and ability levels and to promote progress among students receiving dyslexia instruction. While districts and charter schools must implement an evidence-based instructional program for students with dyslexia that meets each of the components described in this chapter, standard protocol dyslexia instruction provided to students may focus on components of the program that best meet the student's needs. For example, this may occur when a student with dyslexia who has participated in standard protocol dyslexia instruction in the past, but continues to need remediation in

some, but not all of, the components (e.g. fluency, written expression).]

[Specially Designed Instruction]

[For students with dyslexia who have been determined eligible for and who are receiving special education services, specially designed instruction must also address the critical, evidence-based components described in this chapter. Specially designed instruction differs from standard protocol dyslexia instruction in that it offers a more individualized program specifically designed to meet a student's unique needs. Note that participation in standard protocol dyslexia instruction must be considered for all students, including those receiving dyslexia instruction under the IDEA. Standard protocol dyslexia instruction could be part of the specially designed instruction and services provided to meet the student's needs.]

Critical, Evidence-Based Components of Dyslexia Instruction

- **Phonological awareness**—"Phonological awareness is the understanding of the internal sound structure of words. A phoneme is the smallest unit of sound in a given language that can be recognized as being distinct from other sounds. An important aspect of phonological awareness is the ability to segment spoken words into their component phonemes [phonemic awareness]." (Birsh, 2018, p. 26).

- **Sound-symbol association**—Sound-symbol association is the knowledge of the various speech sounds in any language to the corresponding letter or letter combinations that represent those speech sounds. The mastery of sound-symbol association (alphabetic principle) is the foundation for the ability to read (decode) and spell (encode) (Birsh, 2018, p. 26). "Explicit phonics refers to an organized program in which these sound symbol correspondences are taught systematically" (Berninger & Wolf, 2009, p. 53).

- **Syllabication**—"A syllable is a unit of oral or written language with one vowel sound. Instruction must include the six basic types of syllables in the English language; closed, open, vowel-consonant- e, r-controlled, vowel pair (or vowel team), and final stable syllable. Syllable division rules must be directly taught in relation to the word structure" (Birsh, 2018, p. 26).

- **Orthography—**Orthography is the written spelling patterns and rules in a given language. Students must be taught the regularity and irregularity of the orthographic patterns of a language in an explicit and systematic manner. The instruction should be integrated with phonology and sound- symbol knowledge.

- **Morphology—"**Morphology is the study of how morphemes are combined to form words. A morpheme is the smallest unit of meaning in the language" (Birsh, 2018, p. 26).

- **Syntax—**"Syntax is the set of principles that dictate sequence and function of words in a sentence in

- order to convey meaning. This includes grammar, sentence variation, and the mechanics of language" (Birsh, 2018, p. 26).

- **Reading comprehension**—Reading comprehension is the process of extracting and constructing meaning through the interaction of the reader with the text to be comprehended and the specific purpose for reading. The reader's skill in reading comprehension depends upon the development of accurate and fluent word recognition, oral language development (especially vocabulary and listening comprehension), background knowledge, use of appropriate strategies to enhance comprehension and repair it if it breaks down, and the reader's interest in what he or she is reading and motivation to comprehend its meaning (Birsh, 2018, p.14; Snow, 2002).

- **Reading fluency**—"Reading fluency is the ability to read text with sufficient speed and accuracy to support comprehension"(Moats & Dakin, 2008, p. 52). Fluency also includes prosody. Teachers can help promote fluency with several interventions that have proven successful in helping students with fluency (e.g., repeated readings, word lists, and choral reading of passages) (Henry, 2010, p. 104).

In addition, other areas of language processing skills, such as written expression, which require integration of skills, are often a struggle for students with dyslexia. Moats and Dakin (2008) posit the following:

The ability to compose and transcribe conventional English with accuracy, fluency, and clarity of expression is known as basic writing skills. Writing is dependent on many language skills and processes and is often even more problematic for children than reading. Writing is a language discipline with many component skills that must be directly taught. Because writing demands using different skills at the same time, such as generating language, spelling, handwriting, and using capitalization and punctuation, it puts a significant demand on working memory and attention. Thus, a student may demonstrate mastery of these individual skills, but when asked to integrate them all at once, mastery of an individual skill, such as handwriting, often deteriorates. To write on demand, a student has to have mastered, to the point of being automatic, each skill involved (p. 55).

Both the <u>provider of dyslexia instruction</u> [~~teacher of dyslexia~~] and the regular classroom teacher should provide multiple opportunities to support intervention and to strengthen these skills; therefore, responsibility for teaching reading and writing must be shared by classroom teachers, reading specialists, interventionists, and teachers of dyslexia programs.

Delivery of Dyslexia Instruction

While it is necessary that students are provided instruction in the above content, it is also critical that the way in which the content is delivered be consistent with research-based practices. Principles of effective intervention for students with dyslexia include **all** of the following:

- **Simultaneous, multisensory (VAKT)**—"Teaching is done using all learning pathways in the brain (visual, auditory, kinesthetic, tactile) simultaneously in order to enhance memory and learning" (Birsh, 2018, p. 26). "Children are actively engaged in learning language concepts and other information, often by using their hands, arms, mouths, eyes, and whole bodies while learning" (Moats & Dakin, 2008, p. 58).

- **Systematic and cumulative**—"Multisensory language instruction requires that the organization of material follow order of the language. The sequence must begin with the easiest concepts and most basic elements and progress methodically to more difficult material. Each step must also be based on [elements] already learned. Concepts taught must be systematically reviewed to strengthen memory" (Birsh, 2018, p. 26).

- **Explicit instruction**—"Explicit instruction is explained and demonstrated by the teacher one language and print concept at a time, rather than left to discovery through incidental encounters with information. Poor readers do not learn that print represents speech simply from exposure to books or print" (Moats & Dakin, 2008, p. 58). Explicit Instruction is "an approach that involves direct instruction: The teacher demonstrates the task and provides guided practice with immediate corrective feedback before the student attempts the task independently" (Mather & Wendling, 2012, p. 326).

- **Diagnostic teaching to automaticity**—"The teacher must be adept at prescriptive or individualized teaching. The teaching plan is based on careful and [continual] assessment of the individual's needs. The content presented must be mastered to the degree of automaticity" (Birsh, 2018, p. 27). "This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student"(Moats & Dakin, 2008, p. 58). "When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner" (Berninger & Wolf, 2009, p. 70).

- **Synthetic instruction**—"Synthetic instruction presents the parts of the language and then teaches how the parts work together to form a whole" (Birsh, 2018, p. 27).

- **Analytic instruction**—"Analytic instruction presents the whole and teaches how this can be broken into its

component parts" (Birsh, 2018, p. 27).

As appropriate intervention is provided, students with dyslexia make significant gains in reading. Effective instruction is highly-structured, systematic, and explicit, and it lasts for sufficient duration. With regard to explicit instruction, Torgesen (2004) states, "Explicit instruction is instruction that does not leave anything to chance and does not make assumptions about skills and knowledge that children will acquire on their own" (p. 353).

In addition, because effective intervention requires highly structured and systematic delivery, it is critical that those who provide intervention for students with dyslexia be trained in the program used and that the program is implemented with fidelity.

Sources for Critical, Evidence-Based Components and Delivery of Dyslexia Instruction

Berninger, V. W., & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia: Lessons from teaching and science.* Baltimore, MD: Paul H. Brookes Publishing.

Birsh, J. R. (2018). Connecting research and practice. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed., pp21–34). Baltimore, MD: Paul H. Brookes Publishing.

Henry, M. K. (2010). *Unlocking literacy: Effective decoding and spelling instruction* (2nd ed.). Baltimore, MD: Paul H. Brookes Publishing.

The International Multisensory Structured Language Council. (2013). *Multisensory structured language programs: Content and principles of instruction*. Retrieved from https://www.imslec.org/directory.asp?action=instruction.

Mather, N., & Wendling, B. J. (2012). *Essentials of dyslexia assessment and intervention*. Hoboken, NJ: John Wiley & Sons.

Moats, L. C, & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems.* Baltimore, MD: The International Dyslexia Association.

Student Progress Reports

Any student that is provided an evidence-based reading program must have a progress report prepared and communicated to a parent specifically on the student's progress as a result of that program at least once per grading period. To the extent that an IEP goal progress report would not comply with this requirement for a student receiving special education and related services, a separate progress report should be sent to comply with TEC §29.0031(d), at least once per grading period (or more often if required in the IEP), the LEA must provide the parent/guardian of a student receiving dyslexia instruction. This includes a student receiving evidence-based dyslexia instruction through a Section 504 accommodation plan during the transition period, which ends beginning with the 2025-2026 school year.

Providers of Dyslexia Instruction

In order to provide effective intervention, school districts are encouraged to employ highly trained individuals to deliver dyslexia instruction. Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers, who provide dyslexia intervention for students are not required to hold a specific license or certification. However, these educators must at a minimum have additional documented dyslexia training aligned to 19 TAC §74.28(c) and must deliver the instruction with fidelity. This includes training in critical, evidence-based components of dyslexia instruction such as phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. In addition, they must deliver multisensory instruction that simultaneously uses all learning pathways to the brain, is systematic and cumulative, is explicitly taught, uses diagnostic teaching to automaticity, and includes both analytic and synthetic approaches. See pages 39 – 41 for a description of these components of instruction and delivery.

A provider of dyslexia instruction:

- must be fully trained in the LEA's adopted instructional materials for students with dyslexia; and

- is not required [does not have] to be certified as a special educator unless he or she is employed in a special education position that requires the certification. [when serving a student who also receives special education and related services if that provider is the most appropriate person to offer dyslexia instruction]

The completion of a literacy achievement academy does not satisfy the training requirements.

Although Texas does not have a certification requirement specific to teachers providing intervention to students with dyslexia, opportunities for those who provide dyslexia instruction to pursue a certification and/or license are available through several professional organizations as well as through the Texas Department of Licensing and Regulation. Certification and licensing options are outlined in Figure 4.1 below. More information concerning licensure in the State of Texas, may also be found in Texas Occupations Code, Chapter 403. (See Appendix C, State Laws and Rules Related to Dyslexia).

The effort to train professionals who work with students with dyslexia is also supported by The International Dyslexia Association (IDA) Position Statement: Dyslexia Treatment Programs (March, 2009), which states the following:

Professional practitioners, including teachers or therapists, should have had specific preparation in the prevention and remediation of language-based reading and writing difficulties. Teachers and therapists should be able to state and provide documentation of their credentials in the prevention and remediation of language-based reading and writing difficulties, including program-specific training recommended for the use of specific programs (pp. 1–2).

Providers of dyslexia instruction must be prepared to use the techniques, tools, and strategies outlined in the previous sections of this chapter. They may also serve as trainers and consultants in dyslexia and related disorders for regular, remedial, and special education teachers.

Figure 4.1. Training Requirements for Educators Providing Dyslexia Services								
Dyslexia Certification/ License	Licensing Body	Degree Required	Training Program	Course Contact Hours	Practicum Hours	Direct Observations	Certification Exam	Continuing Education Requirement
Educator certification* as appropriate	State Board for Educator Certification (SBEC)	Bachelors	Training which meets components of instruction and delivery	Varies with program	Varies with program	Varies with program	None	None
*Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers are not required to hold a specific license or certification to provide dyslexia intervention for students; however, they must at a minimum have additional documented dyslexia training aligned to 19 TAC §74.28(c) and must deliver the instruction with fidelity.								
Licensed Dyslexia Therapist (LDT)	Texas Department of Licensing and Regulation (TDLR)	Masters	IMSLEC Accredited or other MSLE Program	200	700	10	yes	20 hrs/2 yrs
Licensed Dyslexia Practitioner (LDP)	Texas Department of Licensing and Regulation (TDLR)	Bachelors	IMSLEC Accredited or other MSLE	45	60	5	yes	20 hrs/2 yrs
Certified [Certifed] Academic Language Therapist (CALT)	Academic Language Therapy Association (ALTA)	Masters [Bachelors]	IMSLEC Accredited or other MSLE	200	700	10	yes	10 hrs/1 yr
Certified Academic Language Practitioner (CALP)	Academic Language Therapy Association (ALTA)	Bachelors	IMSLEC Accredited or other MSLE Program	45	60	5	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Specialist	Center for Effective Reading Instruction (CERI)	Bachelors	IDA Accredited	135	30	3	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Interventionist	Center for Effective Reading Instruction (CERI)	Bachelors	IDA Accredited	90	30	3	yes	10 hrs/1 yr
Wilson Level II Certification/Therapist	Wilson Language Training	Bachelors	IDA Accredited	200	215	11+	yes	50 hrs/5 yrs
Wilson Level I Certification/Practitioner	Wilson Language Training	Bachelors	IDA Accredited	105	65	5+	yes	50 hrs/5 yrs
AOGPE Fellow Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Masters	AOGPE	250	600	13	no	none
AOGPE Certified Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	AOGPE	160	300	10	no	none
AOGPE Associate Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	AOGPE	Option A - 60 Option B - 70	Option A - 100 1 to 1 hours Option B - 50 1 to 1 hours; & 50 group hours	10	no	none

Please note that certification and licensing requirements may change with time. For more complete and up-to-date information, contact the specific licensing body.

Professional Development Relative to Dyslexia for All Teachers

Research consistently confirms the impact that a knowledgeable teacher can have on the success or failure of even the best reading programs (Shaywitz, 2020 [2003]). To ensure that teachers are knowledgeable about dyslexia, TEC §21.054(b) and 19 TAC §232.11(e) require educators who teach students with dyslexia to be trained in new research and practices related to dyslexia as a part of their continuing professional education (CPE) hours.

http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm

http://ritter.tea.state.tx.us/sbecrules/tac/chapter232/ch232a.html#232.11

Educator Preparation Programs

According to TEC §21.044(b), all candidates completing an educator preparation program must receive instruction in detection and education of students with dyslexia. This legislation ensures that newly certified teachers will have knowledge of dyslexia prior to entering the classroom.

https://statutes.capitol.texas.gov/Docs/ED/htm/ED.21.htm#21.044

Instructional Intervention Consideration for EB Students [English Learners] with Dyslexia

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

Learning to read, write, and spell in two languages can be facilitated by building on a student's native language knowledge and helping to transfer that knowledge to a second language. While direct, systematic instruction is still required for all aspects of reading, additional explicit instruction will be needed to address the similarities and differences in sounds, syllable structure, morphology, orthography, and syntax between the first and second languages.

For example, instructional considerations may include capitalizing on familiar sound-symbol correspondences. Direct and systematic instruction of the cross-linguistic correlations is beneficial for EB students [ELs]. Instruction can subsequently include those sound-symbol correlations that partially overlap or present a slight variation from the native language to the second language. Unfamiliar phonemes and graphemes then can be presented to EB students [ELs]. A systematic approach will enhance instruction and assist the bilingual student in transferring native language and literacy knowledge to second language and literacy acquisition.

For EB students [ELs] learning to read in English and not in their native language, progress in reading may be hindered due to limited vocabulary in English. Therefore, in addition to all the components of effective instruction previously discussed, intervention for EB students [ELs]also must emphasize oral language development (Cardenas- Hagan, 2018). Because the English language is derived from Anglo-Saxon, Latin, Greek, French, and other languages, EB students [ELs]can expand their oral language and vocabulary knowledge by understanding the cognates (baseball/béisbol or

leader/lider) that exist in their native language and English. The similarities of words in the native language and English must be explicitly taught.

It is also necessary to incorporate ESL strategies during the intervention process and in all content areas. In Texas, school districts are required to implement the English Language Proficiency Standards (ELPS) as an
integral part of each subject area in the required curriculum (TAC §74.4(a)). Dyslexia instruction for EB students [ELs]must incorporate the ELPS. A few strategies to consider include the following:

- Establish routines so that EB students [ELs]understand what is expected of them

- Provide native language support when giving directions or when students do not understand the task

- Provide opportunities for repetition and rehearsal so that the new information can be learned to mastery

- Adjust the rate of speech and the complexity of the language used according to the second language proficiency level of each student

- Provide extra time for the EB students [ELs]to process the English language. This is especially necessary during the early stages of second language development

- Provide extra time for the EB students [ELs]to formulate oral and written responses

- Emphasize text that includes familiar content and explain the structure of the text

Source for Instructional Intervention Consideration for EB students [English learners]with Dyslexia

19 Texas Administrative Code §74.4, English Language Proficiency Standards. (2007).

Cardenas-Hagan, E. (2018). Language and literacy development among English language learners. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed.) (pp. 720–754). Baltimore, MD: Paul H. Brookes Publishing.

Research-Based Best Practices

It is important to note that in Texas, the approach to teaching students with dyslexia is founded on research- based best practices. The ideas upon which the state's approach is based are summarized here.

- Gains in reading can be significant if students with reading problems are provided systematic, explicit, and intensive reading instruction of sufficient duration in phonemic awareness, phonics, fluency, vocabulary (e.g., the relationships among words and the relationships among word structure, origin, and meaning), reading comprehension strategies, and writing.

- A failure to learn to read impacts a person's life significantly. The key to preventing this failure for students with dyslexia is early identification and early intervention.

- Instruction by a highly skilled and knowledgeable educator who has specific preparation in the remediation of dyslexia is necessary.

It is vital to start evidence-based interventions as soon as possible. Effective treatments for dyslexia should consist of explicit academic teaching of reading and spelling skills.

The following research reflects the essential components of dyslexia instruction discussed above and may serve as additional sources of information for those working with students identified with dyslexia. The similarities between the state's approach and the research are noted in bold. Unless otherwise indicated, the following pages contain excerpts from the resources cited.

1. August and Shanahan (2006, pp. 3–5) state the following:

   - **Instruction that provides substantial coverage in the key components of reading— identified by the National Reading Panel (NICHD, 2000) as phonemic awareness, phonics, fluency, vocabulary, and text comprehension**—has clear benefits for language-minority students.
   - **Instruction in the key components of reading** is necessary—but not sufficient—for teaching language-minority students to read and write proficiently in English. Oral proficiency in English is critical as well, but student performance suggests that it is often overlooked in instruction.
   - Oral proficiency and literacy in the first language can be used to facilitate literacy development in English.

   August, D., & Shanahan, T. (Eds.). (2006). *Executive summary: Developing literacy in second-language learners: Report of the National Literacy Panel on language-minority children and youth.* Mahwah, NJ: Lawrence Erlbaum.

2. Berninger and Wolf (2009, p. 49–50) state the following:

   Until children are reading without effort, each reading lesson should consist of **teacher-directed, explicit, systematic instruction** in 1) phonological awareness; 2) applying phonics (alphabetic principle) and morphology to decoding; 3) applying background knowledge already learned to unfamiliar words or concepts in material to be read (activating prior knowledge); 4) both oral reading and silent reading, with appropriate instructional materials; 5) activities to develop oral reading fluency; and 6) reading comprehension.

   Berninger, V. W., & Wolf, B. J. (2009). *Teaching students with dyslexia and dysgraphia: Lessons from teaching and science.* Baltimore, MD: Paul H. Brookes Publishing.

3. Birsh (2018, p. 3) states the following:

   Teachers need to undergo extensive **preparation in the disciplines inherent in literacy**, which include the following:
   - Language development
   - **Phonology** and **phonemic awareness**
   - Alphabetic knowledge
   - Handwriting
   - **Decoding (reading)**
   - **Spelling (encoding)**
   - **Fluency**
   - **Vocabulary**
   - **Comprehension**
   - Composition
   - Testing and assessment
   - Lesson planning
   - Behavior management
   - Study skills
   - History of the English language
   - Technology
   - Needs of older struggling students

Birsh, J. R. (2018). Connecting research and practice. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed., pp. 2–34). Baltimore, MD: Paul H. Brookes Publishing.

4. Clark and Uhry (2004, pp. 89–92) state the following:

- Children with dyslexia need the following:
    - o **Direct, intensive, and systematic** input from and interaction with the teacher
    - o Immediate feedback from the teacher
    - o Careful pacing of instruction
    - o **Systematic** structured progression from the simple to the complex
- Other components of instruction include the following:
    - o Learning to mastery
    - o Multisensory instruction

Clark, D., & Uhry, J. (Eds.). (2004). Dyslexia: Theory and practice of instruction (3rd ed.). Austin, TX: Pro-Ed.

5. Henry (2010, p. 21) states the following:

By teaching the concepts inherent in the word origin and word structure model across a decoding-spelling continuum from the early grades through at least eighth grade, and by using technology when it serves to reinforce these concepts, teachers ensure that students have strategies to decode and spell most words in the English language. This framework and continuum readily organize a large body of information for teachers and their students. Not only do students gain a better understanding of English word structure, but they also become better readers and spellers.

Henry, M. K. (2010). *Unlocking literacy: Effective decoding and spelling instruction* (2nd ed.). Baltimore, MD: Paul H. Brookes Publishing.

6. Mather and Wendling (2012, p. 171) state the following:

Individuals with dyslexia need to:

- understand how phonemes (sounds) are represented with graphemes (letters);
- learn how to blend and segment phonemes to pronounce and spell words;
- learn how to break words into smaller units, such as syllables, to make them easier to pronounce;
- learn to recognize and spell common orthographic graphic patterns (e.g., -tion);
- learn how to read and spell words with irregular elements (e.g., ocean); and
- spend time engaged in meaningful reading and writing activities.

Mather, N. M., & Wendling, B. J. (2012). *Essentials of dyslexia assessment and intervention*. Hoboken, NJ: John Wiley & Sons.

7. Moats (1999, pp. 7–8) states the following: [that]

Well designed, controlled comparisons of instructional approaches have consistently supported these components and practices in reading instruction:

- **direct teaching** of decoding, comprehension, and literature appreciation;
- **phoneme awareness** instruction;

- **systematic and explicit instruction** in the code system of written English;
- daily exposure to a variety of texts, as well as incentives for children to read independently and with others;
- **vocabulary** instruction that includes a variety of complementary methods designed to explore the relationships among words and the relationships among word structure, origin, and meaning;
- **comprehension** strategies that include prediction of outcomes, summarizing, clarification, questioning, and visualization; and
- frequent **writing** of prose to enable a deeper understanding of what is read.

Moats, L. C. (1999). *Teaching reading is rocket science: What expert teachers of reading should know and be able to do* (Item No. 39-0372). Washington, DC: American Federation of Teachers.

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8. Moats (1999, pp. 7– 20) states the following:

    The **knowledge and skills needed to teach reading** include the following:

    - The psychology of reading and reading development
      - Basic facts about reading
      - Characteristics of poor and novice readers
      - Environmental and physiological factors in reading development
      - How reading and spelling develop
    - Knowledge of the language structure
      - **Phonology**
      - **Phonetics**
      - **Morphology**
      - **Orthography**
      - **Semantics**
      - **Syntax and text structure**
    - Practical skills of instruction—use of validated instructional practices
    - Assessment of classroom reading and writing skills

    Moats, L. C. (1999). *Teaching reading is rocket science: What expert teachers of reading should know and be able to do* (Item No. 39-0372). Washington, DC: American Federation of Teachers.

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9. The National Reading Panel's (2000) *Report of the National Reading Panel* highlights the following:

    Emphasis is placed on the importance of **identifying early** which children are at risk for reading failure and **intervening quickly** to help them.

    How reading is taught matters—reading instruction is most effective when it is taught **comprehensively, systematically, and explicitly**.

    National Reading Panel. (2000). *Report of the National Reading Panel: Teaching children to read: An evidence-based assessment of the scientific research literature on reading and its implications for reading instruction.* Washington, DC: National Institute of Child Health and Human Development.

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10. Shaywitz (2020, pp. 281–284) [2005, pp. 257-262]outlines the following essentials for a successful reading intervention and effective early intervention program:

    Essentials of a successful reading intervention include the following:

- **Early intervention**—The best intervention begins in kindergarten with remediation beginning in first grade.
- **Intense instruction**—Reading instruction must be delivered with great intensity. Optimally, a child who is struggling to read should be given instruction in a group of three and no larger than four students, and the child should receive this focused reading instruction least four, and preferably five, days a week.
- **High-quality instruction**—High-quality instruction is provided by a highly qualified teacher. Recent studies highlight the difference that a teacher can make in the overall success or failure of a reading program.
- **Sufficient duration**—One of the most common errors in teaching a student with dyslexia to read is to withdraw prematurely the instruction that seems to be working. A child who is reading accurately but not fluently at grade level still requires intensive reading instruction.

Essentials of an effective **early intervention** program include the following:

- Systematic and direct instruction in the following:
  - **Phonemic awareness**—noticing, identifying, and manipulating the sounds of spoken language
  - **Phonics**—how letters and letter groups represent the sounds [of] spoken language
  - Sounding out words (decoding)
  - Spelling
  - Reading sight words
  - **Vocabulary** and concepts
  - **Reading comprehension** strategies
- Practice in applying the above skills in reading and in writing
- **Fluency** training
- Enriched language experiences: listening to, talking about, and telling stories

Shaywitz, S. (2020 [2003]). Overcoming dyslexia: A new and complete science-based program for reading problems at any level. (2nd ed.) New York, NY: Alfred A. Knopf.

11. Torgesen (2004, p. 376) states the following:

The first implication for practice and educational policy is that schools must work to provide **preventive interventions** to eliminate the enormous reading practice deficits that result from prolonged reading failure. The second implication is that schools must find a way to provide interventions for older children with reading disabilities that are appropriately focused and sufficiently intensive.

Torgesen, J. K. (2004). Lessons learned from research on interventions for students who have difficulty learning to read. In P. McCardle, & V. Chhabra (Eds.), *The voice of evidence in reading research* (pp. 355–382). Baltimore, MD: Paul H. Brookes Publishing.

12. Vaughn and Linan-Thompson (2003, pp. 299–320) state the following:

- Mounting evidence suggests that most students with reading problems can make significant gains in reading if provided **systematic, explicit, and intensive** reading instruction based on critical elements associated with improved reading such as **phonemic awareness, phonics, fluency in word recognition and text reading, and comprehension.**
- There were no statistically significant differences between students receiving intervention instruction in a teacher-to-student ratio of 1:1 or 1:3 though both groups outperformed students in a 1:10 teacher to student ratio.
- Student progress determined the length of intervention.

Vaughn, S., & Linan-Thompson, S. (2003). Group size and time allotted to intervention. In B. Foorman (Ed.), *Preventing and remediating reading difficulties* (pp. 275–320). Parkton, MD: York Press.

13. The International Dyslexia Association (2009, pp. 1–2) states the following:

Professional practitioners, including **teachers or therapists, should have had specific preparation in the prevention and remediation of language-based reading and writing difficulties**. Teachers and therapists should be able to state and provide documentation of their credentials in the prevention and remediation of language-based reading and writing difficulties, including program-specific training recommended for the use of specific programs.

The International Dyslexia Association. (2009, March). *Position statement: Dyslexia treatment programs*.

14. The International Dyslexia Association's *Knowledge and Practice Standards for Teachers of Reading* provides **standards for teachers** of students with dyslexia.

The International Dyslexia Association. (2010). *Knowledge and practice standards for teachers of reading*.

15. The International Multisensory Structured Language Education Council (IMSLEC) provides accreditation in quality training courses for the professional preparation of multisensory **structured language education specialists**.

International Multisensory Structured Language Education Council (IMSLEC): http://www.imslec.org

Ineffective Treatment for Dyslexia

Interventions that claim to treat dyslexia in the absence of print are generally ineffective. Claims of ineffective treatments for dyslexia may use terms or techniques described as "brain training," "crossing the midline," "balance therapy," and others. While some treatments may ameliorate conditions other than dyslexia, their use for students with dyslexia has not been proven effective. Figure 4.2 addresses some commonly advertised interventions that may be purported to treat dyslexia, but scientific, peer-reviewed research has demonstrated ineffective results for students with dyslexia.

Figure 4.2. Treatments Ineffective for Dyslexia		
Examples	**What Research Has Found**	**Citation**
Colored Overlays and Colored Lenses	"Consistent with previous reviews and advice from several professional bodies, we conclude that the use of colored [coloured] overlays to ameliorate reading difficulties cannot be endorsed and that any benefits reported in clinical settings are likely to be the result of placebo, practice, or Hawthorne effects."	Griffiths, P.G., Taylor, R.H., Henderson, L.M., & Barrett, B.T. (2016). The effect of colored [coloured] overlays and lenses on reading: a systematic review of the literature. *Ophthalmic & Physiological Optics, 36,* 519–544. https://doi.org/ 10.1111/opo.12316

Examples	What Research Has Found	Citation
Specialized fonts designed for people with dyslexia	"Dyslexie font did not lead to improved reading compared to normal 'Arial' font, nor was it preferred by most students."	Kuster, S. M., van Weerdenburg, M., Gompel, M., & Bosman, A. M. (2018). Dyslexie font does not benefit reading in children with or without dyslexia. *Annals of Dyslexia*, *68*, 25-42. https://doi.org/10.1007/s11881-017-0154- 6
Vision Therapy	"Scientific evidence does not support the claims that visual training, muscle exercises, ocular pursuit-and-tracking exercises, behavioral/ perceptual vision therapy, 'training' glasses, prisms, and colored lenses and filters are effective direct or indirect treatments for learning disabilities. There is no valid evidence that children who participate in vision therapy are more responsive to educational instruction than children who do not participate."	Handler, S.M., Fierson, W.M., et al. (2011). Joint technical report - learning disabilities, dyslexia, and vision. *Pediatrics*, 127, e818-56. https://doi.org/10.1542/peds.2010-3670
Specific Working Memory Training Programs	"The authors conclude that working memory training programs appear to produce short-term, specific training effects that do not generalize to measures of 'real-world' cognitive skills. These results seriously question the practical and theoretical importance of current computerized working memory programs as methods of training working memory skills."	Melby-Lervåg, M., Redick, T. & Hulme, C. (2016). Working memory training does not improve performance on measures of intelligence or other measures of "far transfer": Evidence from a meta-analytic review. *Perspectives on Psychological Science, 11*, 512-534. https://DOI: 10.1177/1745691616635612

Instructional Accommodations for Students with Disabilities

Students with dyslexia who receive dyslexia instruction that contains the components described in this chapter will be better equipped to meet the demands of grade-level or course instruction. In addition to dyslexia instruction, accommodations provide the student with dyslexia effective and equitable access to grade-level or course instruction in the general education classroom. **Accommodations are not one size fits all; rather, the impact of dyslexia on each individual student determines the necessary accommodation.** Listed below are **examples** of reasonable classroom accommodations:

- Copies of notes (e.g., teacher- or peer-provided)
- Note-taking assistance
- Additional time on class assignments and tests
- Reduced/shortened assignments (e.g., chunking assignments into manageable units, fewer items given on a classroom test or homework assignment without eliminating concepts, or student planner to assist with assignments)
- Alternative test location that provides a quiet environment and reduces distractions
- Priority seating assignment
- Oral reading of directions or written material

- Word banks

- Audiobooks

- Text to speech

- Speech to text

- Electronic spellers

- Electronic dictionaries

- Formula charts

- Adaptive learning tools and features in software programs

Accommodations are changes to materials, actions, or techniques, including the use of technology, that enable students with disabilities to participate meaningfully in grade-level or course instruction. The use of accommodations occurs primarily during classroom instruction as educators use various instructional strategies to meet the needs of each student. A student may need an accommodation only temporarily while learning a new skill, or a student might require the accommodation throughout the school year and over several years including beyond graduation.

Decisions about which accommodations to use are very individualized and should be made for each student by that student's ARD or Section 504 committee, as appropriate. Students can, and should, play a significant role in choosing and using accommodations. Students need to know what accommodations are possible, and then, based on knowledge of their personal strengths and limitations, they select and try accommodations that might be useful for them. The more input students have in their own accommodation choices, the more likely it is that they will use and benefit from the accommodations.

When making decisions about accommodations, instruction is always the foremost priority. Not all accommodations used in the classroom are allowed during a state assessment. However, an educator's ability to meet the individual needs of a student with dyslexia or provide support for the use of an accommodation should not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators should have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators should also collect and analyze data pertaining to the use and effectiveness of accommodations (e.g., assignment/test scores with and without the accommodation, observational reports from parents and teachers) so that informed educational decisions can be made for each student. By analyzing data, an educator can determine if the accommodation becomes inappropriate or unnecessary over time due to the student's changing needs. Likewise, data can confirm for the educator that the student still struggles in certain areas and should continue to use the accommodation.

For more information about accommodations, see Accommodations for students with Disabilities available at https://dyslexiaida.org/accommodations-for-students-with-dyslexia/.

Access to Instructional Materials for Students with Disabilities

Accessible instructional materials (AIM) are textbooks and related core instructional materials that have been converted into specialized formats (e.g., Braille, audio, digital text, or large print) for students who are blind or have low vision, have a physical disability, or have a reading disability such as dyslexia. Digital books or text-to-speech functions on computers and mobile devices provide access to general education curriculum for students with dyslexia. **Bookshare** and **Learning Ally** provide electronic access to digitally recorded materials for students with print disabilities. TEA provides links to these resources as well as other accessible instructional materials for students with disabilities at http://www.tea.state.tx.us/index2.aspx?id=2147487109.

Texas State Student Assessment Program Accommodations for Students with Disabilities

Educators, parents, and students must understand that accommodations provided during classroom instruction and testing might differ from accommodations allowed for use on state assessments. The state assessment is a standardized tool for measuring every student's learning in a reliable, valid, and secure manner. An accommodation used in the classroom for learning may invalidate or compromise the security and integrity of the state assessment; therefore, not all accommodations suitable for instruction are allowed during the state assessments. It is important to keep in mind that the policies for accommodation use on state assessments **should not** limit an educator's ability to develop individualized materials and techniques to facilitate student learning. **Instruction comes first** and can be customized to meet the needs of each student.

For the purposes of the statewide assessments, students needing accommodations due to a disability include the following:

- Students with an identified disability who receive special education services and meet established eligibility criteria for certain accommodations

- Students with an identified disability who receive Section 504 services and meet established eligibility criteria for certain accommodations

- Students with a disabling condition who do not receive special education or Section 504 services but meet established eligibility criteria for certain accommodations

For students who receive special education or Section 504 services, the decision for student use of accommodations during the statewide assessments is made by the ARD or Section 504 committee. In those rare instances where a student does not receive services but meets the eligibility criteria due to a disabling condition, the decision about using accommodations on the statewide assessments is made by the appropriate team of people at the campus level, such as the RTI team or student assistance team. For more information about accommodations on statewide assessments, visit https://tea.texas.gov/accommodations/.

Enrollment in Gifted/Talented and Advanced Academic Programs

A student who has been identified with dyslexia can also be a gifted learner, or a twice-exceptional learner. A twice-exceptional learner is a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who exhibits high-performance capability in an intellectual, creative, or artistic area; possesses an unusual capacity for leadership; or excels in a specific academic field and who also gives evidence of one or more disabilities as defined by federal or state eligibility criteria. Disability criteria may include the following:

- Learning disabilities

- Speech and language disorders

- Emotional/behavioral disorders

- Physical disabilities

- Traumatic brain injury

- Autism spectrum disorder

- Sensory disabilities (hearing impaired, visually impaired, blind-deaf)

- Other health impairments that limit strength, vitality, or alertness (such as ADHD)

Twice-exceptional students make up a highly diverse group of learners. While they do not form a simple, homogenous

group, there are indicators that tend to be typical of many children who are both gifted and who also have a disability. Cognitive and affective indicators may include strengths such as extreme curiosity and questioning, high levels of problem-solving and reasoning skills, and advanced ideas/opinions which they are uninhibited about expressing. Cognitive and affective challenges twice-exceptional learners may exhibit include discrepant verbal and performance abilities, deficient or extremely uneven academic skills, and auditory and/or visual processing problems which may cause them to respond or work slowly or appear to think slowly. For more information regarding general characteristics of twice-exceptional learners, please see https://gtequity.tea.texas.gov/ [www.gtequity.org/twice/docs/generalcharacteristics.pdf] on TEA's Equity in G/T Education website.

Due to the diversity of twice-exceptional students, the identification of twice-exceptional learners can be challenging. Evaluation and identification require those vested in the education of these learners to be knowledgeable of the unique characteristics and behaviors demonstrated by twice-exceptional learners. Often the disability masks the giftedness, emphasizing barriers to learning instead of the potential that the learner has as a result of the gifted attributes. Conversely, the giftedness may mask the disability, which may result in the student experiencing gaps in learning compounded by the disability, thus affecting how the learner perceives his or her abilities.

Twice-exceptional students must be provided access to all service and course options available to other students. Section 504 and Title II of the Americans with Disabilities Act (ADA), require that qualified students with disabilities be given the same opportunities to compete for and benefit from accelerated programs and classes as are given to students without disabilities [34 C.F.R. §104.4(b)(1)(ii) and 28 C.F.R. §35.130(b)(1)(ii)]. **A student with a disability such as dyslexia or a related disorder may not be denied admission to an accelerated or advanced class or program solely because of the student's need for special education or related aids or services or because the student has an IEP or Section 504 Plan.**

Additionally, a student with a disability may not be prohibited from using special education or related aids as a condition of participating in an accelerated or advanced class or program. Participation by a student with a disability in an accelerated or advanced class or program generally would be considered part of the regular education referenced in IDEA and Section 504 regulations. Thus, if a qualified student with a disability requires related aids and services to participate in a regular education class or program, the school cannot deny that student the needed related aids and services in an accelerated or advanced class or program.

It is important to note that a district or school does not have to provide a student with an accommodation or modification "that fundamentally alters the nature of" an accelerated or advanced course or program. Rather, a district or school "must consider a student's ability to participate in the program with reasonable accommodations." (*G.B.L. v. Bellevue School District #405*).

In determining the appropriate courses and programs, the following questions should be considered by a twice-exceptional learner's ARD or Section 504 committee:

- Does the student meet the basic eligibility or admission requirements applied to ALL students?
- Does the student need special education or related aids and services to receive FAPE?
- Do the academic accommodations or related aids and services constitute a fundamental alteration of the program?

The U.S. Department of Education's Office for Civil Rights offers information for addressing students with disabilities seeking enrollment in advanced academic programs such as Advanced Placement and International Baccalaureate courses. For more information, see the Dear Colleague Letter regarding Access by Students with Disabilities to Accelerated Programs at https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.html.

Additional support, information, and resources are available through the Equity in Gifted/Talented (G/T) Education website at https://gtequity.tea.texas.gov/ [www.gtequity.org/index.php]. The *Texas State Plan for the Education of Gifted/Talented Students*, available at [www.tea.state.tx.us/index2.aspx?id=6420,] https://tea.texas.gov/academics/special-student-populations/gifted-and-talented-education mandates that once any student is identified as gifted, he/she must be provided gifted/talented services that are commensurate with his/her abilities (1.4C, 1.6C, 2.1C, and 3.3C). Additionally, due to the disability, twice-exceptional learners should have an IEP through special education services or a Section 504 Plan through general education. Additional support for districts serving twice-exceptional students is available at https://gtequity.tea.texas.gov/ [www.gtequity.org/twice.php].

Sources for Enrollment in Gifted/Talented and Advanced Academic Programs

G.B.L. v. Bellevue Sch. Dist. #405. IDELR 186. No. 2:2012cv00427. (U.S. District Court, W.D. Washington, 2013).

Texas Education Agency. (2008–2015). Equity in G/T Education: Twice-Exceptional Students and G/T Services. Retrieved from http://www.gtequity.org.

Texas State Board of Education. (2009). *Texas State Plan for the Education of Gifted/Talented Students.* Retrieved from https://tea.texas.gov/Academics/Special_Student_Populations/Gifted_and_Talented_ Education/Gifted_Talented_Education/.

U.S. Department of Education, Office for Civil Rights. Dear Colleague Letter regarding Access by Students with Disabilities to Accelerated Programs. (December 26, 2007). Retrieved from https://www2.ed.gov/ about/offices/list/ocr/letters/colleague-20071226.html.

V. DYSGRAPHIA

Texas state law requires districts and charter schools to identify students who have dyslexia and related disorders. Texas Education Code §38.003 identifies the following examples of related disorders: developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability. Recent research in the field of dysgraphia has prompted the addition of the following guidance regarding the evaluation, identification, and provision of services for students with dysgraphia.

Definition and Characteristics of Dysgraphia

Difficulty with handwriting frequently occurs in children with dyslexia. When Texas passed dyslexia legislation, the co-existence of poor handwriting with dyslexia was one reason why dysgraphia was called a related disorder. Subsequently, dyslexia and dysgraphia have been found to have diverse co-morbidities, including phonological awareness (Döhla and Heim, 2016). However, dyslexia and dysgraphia are now recognized to be distinct disorders that can exist concurrently or separately. They have different brain mechanisms and identifiable characteristics.

Dysgraphia is related to dyslexia as both are language-based disorders. In dyslexia, the impairment is with word-level skills (decoding, word identification, spelling). Dysgraphia is a written language disorder in serial production of strokes to form a handwritten letter. This involves not only motor skills but also language skills—finding, retrieving and producing letters, which is a subword-level language skill. The impaired handwriting may interfere with spelling and/or composing, but individuals with only dysgraphia do not have difficulty with reading (Berninger, Richards, & Abbott, 2015).

A review of recent evidence indicates that dysgraphia is best defined as a neurodevelopmental disorder manifested by

illegible and/or inefficient handwriting due to difficulty with letter formation. This difficulty is the result of deficits in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms) (Berninger, 2015). Secondary consequences may include problems with spelling and written expression. The difficulty is not solely due to lack of instruction and is not associated with other developmental or neurological conditions that involve motor impairment.

The characteristics of dysgraphia include the following:

- Variably shaped and poorly formed letters
- Excessive erasures and cross-outs
- Poor spacing between letters and words
- Letter and number reversals beyond early stages of writing
- Awkward, inconsistent pencil grip
- Heavy pressure and hand fatigue
- Slow writing and copying with legible or illegible handwriting (Andrews & Lombardino, 2014)

Additional consequences of dysgraphia may also include:

- Difficulty with unedited written spelling
- Low volume of written output as well as problems with other aspects of written expression

Dysgraphia is not:

- Evidence of a damaged motor nervous system
- Part of a developmental disability that has fine motor deficits (e.g., intellectual disability, autism, cerebral palsy)
- Secondary to a medical condition (e.g., meningitis, significant head trauma, brain trauma)
- Association with generalized developmental motor or coordination difficulties (Developmental Coordination Disorder)
- Impaired spelling or written expression with typical handwriting (legibility and rate) (Berninger, 2004)

Dysgraphia can be due to:

- Impaired feedback the brain is receiving from the fingers
- Weaknesses using visual processing to coordinate hand movement and organize the use of space
- Problems with motor planning and sequencing
- Difficulty with storage and retrieval of letter forms (Levine, 1999)

Despite the widespread beliefs that handwriting is purely a motor skill or that only multisensory methods are needed to teach handwriting, multiple language processes are also involved in handwriting. Handwriting draws on language by hand (letter production), language by ear (listening to letter names when writing dictated letters), language by mouth (saying letter names), and language by eye (viewing the letters to be copied or reviewing for accuracy the letters that are produced from memory) (Berninger & Wolf, 2016).

Sources for Definition and Characteristics of Dysgraphia

Andrews, J. and Lombardino, L. (2014). Strategies for teaching handwriting to children with writing disabilities. ASHA

SIG1 Perspectives on Language Learning Education. 21:114-126.

Berninger, V.W. (2004). Understanding the graphia in dysgraphia. In Developmental Motor Disorders: A Neuropsychological Perspective. D. Dewry and D. Tupper (Eds.), New York, NY, US: Guilford Press.

Berninger, V.W. (2015). *Interdisciplinary frameworks for schools: Best practices for serving the needs of all student.* Washington, D.C.: American Psychological Association.

Berninger, V.W., Richards, T.L. and Abbott, R. D. (2015) *Differential Diagnosis of Dysgraphia, Dyslexia, and OWL LD: Behavioral and Neuroimaging Evidence.* Read Writ. 2015 Oct;28(8):1119-1153.

Berninger, V., & Wolf, B. (2016). Dyslexia, Dysgraphia, OWL LD, and Dyscalculia: Lessons from Science and Teaching (Second ed.). Baltimore, Maryland: Paul H Brookes Publishing.

Döhla, D. and Heim, S. (2016). *Developmental dyslexia and dysgraphia: What can we learn from the one about the other?* Frontiers in Psychology. 6:2045.

Levine, M.D. (1999). *Developmental Variation and Learning Disorders.* Cambridge, MA: Educators Publishing Service, Inc.

Procedures for Identification

The process of identifying dysgraphia will follow Child Find procedures for conducting a full individual and initial evaluation (FIIE) under the IDEA. These procedural processes require coordination among the teacher, campus administrators, diagnosticians, and other professionals as appropriate when factors such as a student's English language acquisition, previously identified disability, or other special needs are present.

The first step in the evaluation process, data gathering, should be an integral part of the district's or charter school's process for any student exhibiting learning difficulties. Documentation of the following characteristics of dysgraphia could be collected during the data gathering phase:

- Slow or labored written work
- Poor formation of letters
- Improper letter slant
- Poor pencil grip
- Inadequate pressure during handwriting (too hard or too soft)
- Excessive erasures
- Poor spacing between words
- Poor spacing inside words
- Inability to recall accurate orthographic patterns for words
- "b" and "d" reversals beyond developmentally appropriate time
- Inability to copy words accurately
- Inability of student to read what was previously written
- Overuse of short familiar words such as "big"
- Avoidance of written tasks
- Difficulty with visual-motor integrated sports or activities

While schools must follow federal and state guidelines, they must also develop procedures that address the needs of their student populations. Schools shall recommend evaluation for dysgraphia if the student demonstrates the following:

- Impaired or illegible handwriting that is unexpected for the student's age/grade
- Impaired handwriting that interferes with spelling, written expression, or both that is unexpected for the student's age/grade

1. Data Gathering

Schools collect data on all students to ensure that instruction is appropriate and scientifically based. Essential components of comprehensive literacy instruction, including writing, are defined in Section 2221(b) of ESSA as explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff.

Any time from kindergarten through grade 12 a student continues to struggle with one or more components of writing, schools must collect additional information about the student. Schools should use previously collected as well as current information to evaluate the student's academic progress and determine what actions are needed to ensure the student's improved academic performance. The collection of various data, as indicated in Figure 5.1 below, will provide information regarding factors that may be contributing to or primary to the student's struggles with handwriting, spelling, and written expression.

Cumulative Data

The academic history of each student will provide the school with the cumulative data needed to ensure that underachievement in a student suspected of having dysgraphia is not due to lack of appropriate instruction in handwriting, spelling, and written expression. This information should include data that demonstrate that the student was provided appropriate instruction and include data-based documentation of repeated evaluations of achievement at reasonable intervals (progress monitoring), reflecting formal evaluation of student progress during instruction. This cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure 5.1.

Figure 5.1. Sources and Examples of Cumulative Data
- Vision screening
- Hearing screening
- Teacher reports of classroom concerns
- Parent reports of concerns about handwriting, spelling, or written expression
- Classroom handwriting assessments
- Classroom spelling assessments
- Samples of written work (e.g., journal, story responses, writing samples, etc.)
- Accommodations or interventions provided
- Academic progress reports (report cards)
- Gifted/talented assessments
- Samples of written schoolwork (both timed and untimed)
- State student assessment program results as described in TEC §39.022

- Observations of instruction provided to the student

- Full Individual and Initial Evaluation

- Outside evaluations

- Speech and language assessment

- School attendance

- Curriculum-based assessment measures

- Instructional strategies provided and student's response to the instruction

- Universal screening

- Parent survey

2. Formal Evaluation

After data gathering, the next step in the process is formal evaluation. This is not a screening; rather, it is an individualized evaluation used to gather evaluation data. Formal evaluation includes both formal and informal data. All data will be used to determine whether the student demonstrates a pattern of evidence for dysgraphia. Information collected from the parents/guardians also provides valuable insight into the student's early years of written language development. This history may help to explain why students come to the evaluation with many different strengths and weaknesses; therefore, findings from the formal evaluation will be different for each child. Professionals conducting evaluations for the identification of dysgraphia will need to look beyond scores on standardized assessments alone and examine the student's classroom writing performance, educational history, and early language experiences to assist with determining handwriting, spelling, and written expression abilities and difficulties.

Notification and Permission

When formal evaluation is recommended, the school completes the evaluation process as outlined in IDEA. Procedural safeguards under the IDEA must be followed. The Overview of Special Education for Parents form must also be distributed to the parent. For more information on procedural safeguards, [see Appendix D, IDEA/Section 504 Side-by-Side Comparison, and] TEA's Parent Guide to the Admission, Review, and Dismissal Process (Parent's Guide) and Notice of Procedural Safeguards

Tests and Other Evaluation Materials

Test instruments and other evaluation materials must meet the following criteria:

- Be used for the purpose for which the evaluation or measures are valid or reliable

- Include material tailored to assess specific areas of educational need and not merely materials that are designed to provide a single general intelligence quotient

- Be selected and administered to ensure that, when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills

- Be selected and administered in a manner that is not racially or culturally discriminatory

- Include multiple measures of a student's writing abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion-referenced evaluations, samples of written work, classroom observations)

- Be administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials

- Be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer

Domains to Assess

Academic Skills

The school administers measures that are related to the student's educational needs. Difficulties in the areas of letter formation, orthographic awareness, and general handwriting skills may be evident dependent on the student's age and writing development. Additionally, many students with dysgraphia may have difficulty with spelling and written expression.

Cognitive Processes

The process of handwriting requires the student to rely on memory for letters or symbol sequences, also known as orthographic processing. Memory for letter patterns, letter sequences, and the letters in whole words may be selectively impaired or may coexist with phonological processing weaknesses. When spelling, a student must not only process both phonological and orthographic information, but also apply their knowledge of morphology and syntax (Berninger & Wolf, 2009).

Figure 5.2. Areas for Evaluation of Dysgraphia		
Academic Skills	**Cognitive Processes**	**Possible Additional Areas**
- Letter formation - Handwriting - Word/sentence dictation (timed and untimed) - Copying of text - Written expression - Spelling - Writing fluency (both accuracy and fluency)	Memory for letter or symbol sequences (orthographic processing)	- Phonological awareness - Phonological memory - Working memory - Letter retrieval - Letter matching

Berninger, V. W., & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

To make an informed determination the ARD, committee must include members who are knowledgeable about the following:

- Student being assessed

- Evaluation instruments being used

- Interpretation of the data being collected

Additionally, the committee members should have knowledge regarding

- the handwriting process;

- dysgraphia and related disorders;

- dysgraphia instruction, and;

- district or charter school, state, and federal guidelines for evaluation.

There likely may be a need for an occupational therapist on the committee to assist in addressing all required areas of evaluation for dysgraphia.

Review and Interpretation of Data and Evaluation

To appropriately understand evaluation data, the ARD committee must interpret tests results in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning.

A determination must first be made regarding whether a student's difficulties in the areas of writing and spelling reflect a pattern of evidence for the primary characteristics of dysgraphia with unexpectedly low performance for the student's age and educational level in some or all of the following areas:

- Handwriting

- Writing fluency (accuracy and rate)

- Written Expression

- Spelling

Based on the above information and guidelines, should the ARD committee determine that the student exhibits weakness in writing 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 differences, irregular attendance, or lack of appropriate and effective instruction. For example, the student may exhibit strengths in areas such as reading comprehension, listening comprehension, oral verbal ability, or math reasoning yet still have difficulty with writing and spelling.

Therefore, it is not one single indicator, but a preponderance of informal and formal data that provide the committee with evidence for whether these difficulties are unexpected.

Dysgraphia Identification

If the student's difficulties are unexpected in relation to other abilities, the ARD committee must then determine if the student has dysgraphia. The list of questions in Figure 5.3 below must be considered when making a determination regarding dysgraphia.

Figure 5.3. Questions to Determine the Identification of Dysgraphia
- Do the data show the following characteristics and consequences of dysgraphia?   - Illegible and/or inefficient handwriting with variably shaped and poorly formed letters Difficulty with unedited written spelling   - Low volume of written output as well as problems with other aspects of written expression   - Do these difficulties (typically) result from a deficit in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms)?   - Are these difficulties unexpected for the student's age in relation to the student's other abilities and the provision

of effective classroom instruction?

Once dysgraphia has been identified, a determination must be made regarding the most appropriate way to serve the student.

The ARD committee will determine whether the student who has dysgraphia is eligible under IDEA as a student with a specific learning disability. The student is eligible for services under IDEA if he/she has dysgraphia and, because of the dysgraphia needs special education services. The October 23, 2015 letter from the Office of Special Education and Rehabilitative Services (OSERS) (Dear Colleague: Dyslexia Guidance) states that dyslexia, dyscalculia, and dysgraphia are conditions that could qualify a child as a child with a specific learning disability under IDEA. The letter further states that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents. For more information, please visit [https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf.] https://sites.ed.gov/idea/idea-files/osep-dear-colleague-letter-on-ideaiep-terms/

If the student with dysgraphia is found eligible for special education, the student's IEP must include appropriate writing instruction, which might include instruction from a related services provider.

If the student is identified with dysgraphia but is not considered a student with a disability under the IDEA (because the student does not need specially designed instruction), then the student may receive appropriate accommodations and services under Section 504. Students are protected under Section 504 if the physical or mental impairment (dysgraphia) substantially limits one or more major life activities, such as the specific activity of writing. Additionally, the Section 504 committee, in determining whether a student has a disability that substantially limits the student in a major life activity (writing), must not consider the ameliorating effects of any mitigating measures that student is using.

Revision of the Section 504 Plan will occur as the student's response to instruction and to the use of accommodations, if any, is observed. Changes in instruction and/or accommodations must be supported by current data (e.g., classroom performance and dyslexia program monitoring).

Instruction for Students with Dysgraphia

> ". . . Done right, early handwriting instruction improves students' writing. Not just its legibility, but its *quantity and quality*." (p. 49)
>
> —S. Graham, Want to Improve Children's Writing? Don't Neglect Their Handwriting, *American Educator*, 2010

Graham and his colleagues describe two reasons for teaching handwriting effectively. The first reason is what they call the Presentation Effect. Research demonstrates that, in general, a reader's evaluation of a composition's quality is influenced by how neatly it is written (Graham, Harris, & Hebert, 2011). The second reason that educational scientists give for teaching handwriting effectively is called the Writer Effect.
Research demonstrates that handwriting difficulties interfere with other writing processes such as expression of ideas and organization. In fact, a 2016 meta-analysis showed that handwriting instruction improved students' writing fluency, quantity, and quality. The findings of this research report were dramatic, showing moderate effects on writing fluency and very large effects on the number of words students wrote and the quality of their compositions (Santangelo & Graham, 2016).

Handwriting interferes with other writing processes or consumes an inordinate amount of cognitive resources, at least until handwriting becomes automatic and fluent … Handwriting-instructed students made greater gains than peers who did not receive handwriting instruction in the quality of their writing, how much they wrote, and writing fluency. (p. 226)

—Santangelo & Graham, A Comprehensive Meta-Analysis of Handwriting Instruction, 2016

Supporting Students Struggling with Handwriting

Between 10% and 30% of students struggle with handwriting. Early difficulties in this area are significantly correlated with poorer performance on composition tasks. The following are research-based elements of effective handwriting instruction. These elements, which apply to both manuscript and cursive handwriting, may not necessarily apply to an entire class but instead may be used to support instructional methods delivered in small groups with students whose penmanship is illegible or dysfluent.

1. Show students how to hold a pencil.
2. Model efficient and legible letter formation.
3. Provide multiple opportunities for students to practice effective letter formation.
4. Use scaffolds, such as letters with numbered arrows showing the order and direction of strokes.
5. Have students practice writing letters from memory.
6. Provide handwriting fluency practice to build students' automaticity.
7. Practice handwriting in short sessions.

—Adapted from Berninger et al., 1997; Berninger et al., 2006; Denton, Cope, & Moser, 2006; Graham et al., 2012; Graham, Harris, & Fink, 2000; Graham & Weintrub, 1996.

Some students who struggle with handwriting may actually have dysgraphia. Dysgraphia may occur alone, or with dyslexia. An assessment for dysgraphia, as it relates to dyslexia, is important in order to determine whether children need additional explicit, systematic instruction in handwriting only; handwriting and spelling; or handwriting, spelling, and written expression along with word reading and decoding (IDA, 2012).

Texas Education Code §38.003(b) states, "In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder."

While it is important for students with dysgraphia to receive the research-based elements of handwriting, spelling, and written language instruction as part of the core curriculum, for those students who require additional supports and services for dysgraphia, instructional decisions must be made by a committee (either Section 504 or ARD) that is knowledgeable about the instructional elements and delivery of instruction that is consistent with research-based practice.

Handwriting

The research-based elements for effective instruction of handwriting as stated above for all students are the same for students with dysgraphia. However, the intensity, frequency, and delivery of instruction may need to be adjusted to meet specific student need as determined by the Section 504 or ARD committee. Figure 5.4 below provides a hierarchy of instruction for handwriting as a reference to best practice:

Figure 5.4. Handwriting Hierarchy of Instruction	
Posture	Also known as "Watch Our Writing" (W.O.W) • Feet are flat on the floor • Back is straight • Paper slanted so that the edge of the paper is parallel to the writing arm • Paper anchored with non-writing hand • Pencil grip and position correct
Grip	Normal tripod grip with pencil resting on first joint of middle finger with the thumb and index fingers holding the pencil in place at a 45° angle.
Letter Formation	Emphasis placed in the following order: • Shape • Proportion • Size • Rhythm/fluency • Slant
Sequence	• Lower case letters first; Capitals as needed beginning with first letters of student name • Manuscript – group by stroke formation • Cursive – group by beginning approach stroke • Letters • Syllables • Words • Phrases • Sentences • Paragraphs

Spelling

Handwriting supports spelling, a complex process of translating a phoneme (spoken sound) to the corresponding grapheme (orthographic representation) in order to generate written text to express an idea. Orthography is the written spelling patterns and rules in a given language. Students must be taught the regularity and irregularity of the orthographic patterns of a language in an explicit and systematic manner. The instruction should be integrated with phonology and sound-symbol knowledge. Because spelling is meaning driven and draws upon the phonological, orthographic, and morphological aspects of words, students will benefit from systematic, explicit instruction based on the following guiding principles:

- Phoneme-grapheme correspondence
- Letter order and sequence patterns, or orthographic conventions:
  - syllable types
  - orthographic rules
  - irregular words

- Position of a phoneme or grapheme in a word

- Meaning (morphology) and part of speech

- Language of origin (Moats, 2005)

Writing

A potential secondary consequence of dysgraphia is difficulty with students expressing themselves in written text. This difficulty may be attributed to deficits in handwriting, spelling, language processing, or the integration of each of those skills. In Chapter IV of this handbook, Moats and Dakin (2008) are quoted as stating:

> The ability to compose and transcribe conventional English with accuracy, fluency, and clarity of expression is known as basic writing skills. Writing is dependent on many language skills and processes and is often even more problematic for children than reading. Writing is a language discipline with many component skills that must be directly taught. Because writing demands using different skills at the same time, such as generating language, spelling, handwriting, and using capitalization and punctuation, it puts a significant demand on working memory and attention. Thus, a student may demonstrate mastery of these individual skills, but when asked to integrate them all at once, mastery of an individual skill, such as handwriting, often deteriorates. To write on demand, a student has to have mastered, to the point of being automatic, each skill involved (p. 55).

Students with written expression difficulties because of dysgraphia would benefit from being taught explicit strategies for composing including planning, generating, reviewing/evaluating, and revising different genre including narrative, informational, compare and contrast, and persuasive compositions (IDA, 2012).

Delivery of Intervention

The way the content is delivered should be consistent with the principles of effective intervention for students with dysgraphia including the following:

- **Simultaneous, multisensory (VAKT)** — "Teaching is done using all learning pathways in the brain (visual, auditory, kinesthetic-tactile) simultaneously in order to enhance memory and learning" (Birsh, 2018, p. 19). "Children are actively engaged in learning language concepts and other information, often by using their hands, arms, mouths, eyes, and whole bodies while learning" (Moats & Dakin, 2008, p. 58).

- **Systematic and cumulative** — "Multisensory language instruction requires that the organization of material follow order of the language. The sequence must begin with the easiest concepts and most basic elements and progress methodically to more difficult material. Each step must also be based on [elements] already learned. Concepts taught must be systematically reviewed to strengthen memory" (Birsh, 2018, p. 19).

- **Explicit instruction** — "Explicit instruction is explained and demonstrated by the teacher one language and print concept at a time, rather than left to discovery through incidental encounters with information. Poor readers do not learn that print represents speech simply from exposure to books or print" (Moats & Dakin, 2008, p. 58). Explicit Instruction is "an approach that involves direct instruction: The teacher demonstrates the task and provides guided practice with immediate corrective feedback before the student attempts the task independently" (Mather & Wendling, 2012, p. 326).

- **Diagnostic teaching to automaticity** — "The teacher must be adept at prescriptive or individualized teaching. The teaching plan is based on careful and [continual] assessment of the individual's needs. The content presented must be mastered to the degree of automaticity" (Birsh, 2018, p. 27). "This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student" (Moats & Dakin, 2008, p. 58). "When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner" (Berninger & Wolf, 2009, p. 70).

Sources for Critical, Evidence-Based Components and Delivery of Dysgraphia Instruction

Berninger, V. W., Rutberg, J.E., Abbott, R.D., Garcia, N., Anderson-Youngstrom, M., Brooks, A., & Fulton, C. (2006). Tier 1 and tier 2 early intervention for handwriting and composing. *Journal of School Psychology*, 44(1), 3-30.

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Moats, L. C, & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems.* Baltimore, MD: The International Dyslexia Association.

Santangelo, T., & Graham, S. (June 2016). A comprehensive meta-analysis of handwriting instruction. *Educational Psychology Review*, 28(2), 225-265.

Instructional Accommodations for the Student with Dysgraphia

By receiving instruction based on the elements described in this chapter, a student with dysgraphia is better equipped to meet the demands of grade-level or course instruction. In addition to targeted instruction, accommodations provide the student with dysgraphia effective and equitable access to grade-level or course instruction in the general education classroom. **Accommodations are not a one size fits all; rather, the impact of dysgraphia on each individual student determines the accommodation.** When considering accommodations for the student with dysgraphia, consider the following:

- The rate of producing written work

- The volume of the work to be produced

- The complexity of the writing task

- The tools used to produce the written product

- The format of the product (Texas Scottish Rite Hospital for Children, 2018, p. 5).

Listed below are **examples** of reasonable classroom accommodations for a student with dysgraphia based on the above considerations:

- Allow more time for written tasks including note taking, copying, and tests

- Reduce the length requirements of written assignments

- Provide copies of notes or assign a note taking buddy to assist with filling in missing information

- Allow the student to audio record important assignments and/or take oral tests

- Assist student with developing logical steps to complete a writing assignment instead of all at once

- Allow the use of technology (e.g., speech to text software, etc.)

- Allow the student to use cursive or manuscript, whichever is most legible and efficient

- Allow the student to use graph paper for math, or to turn lined paper sideways, to help with lining up columns of numbers

- Offer an alternative to a written project such as an oral report, dramatic presentation, or visual media project

Accommodations are changes to materials, actions, or techniques, including the use of technology, that enable students with disabilities to participate meaningfully in grade-level or course instruction. The use of accommodations occurs primarily during classroom instruction as educators use various instructional strategies to meet the needs of each student. A student may need an accommodation only temporarily while learning a new skill, or a student might require the accommodation throughout the school year or over several years including beyond graduation.

Decisions about which accommodations to use are very individualized and should be made for each student by that student's ARD or Section 504 committee, as appropriate. Students can, and should, play a significant role in choosing and using accommodations. Students need to know what accommodations are possible, and then, based on knowledge of their personal strengths and limitations, they select and try accommodations that might be useful for them. The more input students have in their own accommodation choices, the more likely it is that they will use and benefit from the accommodations.

When making decisions about accommodations, instruction is always the foremost priority. Not all accommodations used in the classroom are allowed during a state assessment. However, an educator's ability to meet the individual needs of a student with dysgraphia or provide support for the use of an accommodation should not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators should have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators should also collect and analyze data pertaining to the use and effectiveness of accommodations (e.g., assignment/test scores with and without the accommodation, observational reports from parents and teachers) so that informed educational decisions can be made for each student. By analyzing data, an educator can determine if the accommodation becomes inappropriate or unnecessary over time due to the student's changing needs. Likewise, data can confirm for the educator that the student still struggles in certain areas and should continue to use the accommodation.

For more information about accommodations, see At a Glance: Classroom Accommodations for Dysgraphia, available at https://www.understood.org/en/school-learning/partnering- with-childs-school/instructional- strategies/at-a-glance-classroom-accommodations-for- dysgraphia

Technology Tools

There are many technology resources to assist a student with dysgraphia. The *Technology Integration for Students with Dyslexia* online tool (TEC §38.0031) is a resource developed to support school districts and charter schools in making instructional decisions regarding technology that benefit students with dyslexia and related disorders. For more information and to view this source, visit Dyslexia and Related Disorders | Texas Education Agency. [https://www.region10.org/programs/dyslexia/techplan/.]

APPENDIX

Appendix A: Frequently Asked Questions (FAQ)

While this is included in the Dyslexia and Related Disorders Handbook, which can only be amended by the State Board of Education through their authority at Texas Education Code (TEC) 7.102(c)(28) and 38.003, this Appendix is considered to be Texas Education Agency (TEA) guidance on the implementation of the Handbook. TEA has authority to update this Appendix as new or revised guidance prompts such updating. TEA will indicate the month and the year on which updates occur within this document.

Dyslexia Evaluation, Identification, and Instruction

Visit the TEA Dyslexia and Related Disorders website for additional information.

Definitions

It is important to provide certain definitions for terms used in this FAQ. Those are:

- **Child with a disability -** The Individuals with Disabilities Education Act (IDEA) defines a child with a disability as a child evaluated as having at least one of 13 disabilities, and by reason thereof, needs special education and related services. Therefore, in this document, the use of this term means both the presence of an eligible disability and the need for special education and related services. The need for special education and related services includes the need for evidence-based dyslexia instruction based on the identified disability of dyslexia.

- **Dyslexia Handbook –** This is one component of how the SBOE complies with its statutory authority to adopt rules and standards for screening, testing, and serving students with dyslexia. Sometimes referred to as simply "the Handbook" throughout this FAQ, it is officially the 2021 update adopted by reference in SBOE rule at 19 Texas Administrative Code (TAC) §74.28. All LEAs are required to follow the Handbook.

- **Evidence-based dyslexia program –** This term refers to the provision of evidence-based dyslexia instruction by using one or more evidence-based reading programs for dyslexia or curriculums purchased or developed by an LEA that is/are aligned with all instructional methods and components for dyslexia instruction as described in the Dyslexia Handbook. Evidence-based dyslexia programs include instructional methods that are simultaneous and multisensory (visual, auditory, kinesthetic, and tactile); systematic and cumulative; explicit; diagnostic and taught to automaticity; synthetic; and analytic [pages 42-43 of the Dyslexia Handbook]. In addition, evidence-based dyslexia programs must address all of the required critical, evidence-based components of dyslexia instruction (phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency) [pages 40-42 of the Dyslexia Handbook].

  Evidence-based dyslexia programs are considered specially designed instruction (SDI) (i.e., a special education service). An admission, review, and dismissal (ARD) committee will ensure, for a student with dyslexia eligible under IDEA, that the SDI contains all elements of an evidence-based dyslexia program as outlined in the Handbook. Accommodations (e.g., additional practice, smaller groups or individual instruction, longer time to progress) may be listed in the student's individualized education program (IEP) and provided based on student need. An ARD committee should only consider deviations from the program if clearly indicated by data collection, a student's present levels of academic achievement and functional performance (PLAAFP), and other areas of the student's IEP. For instance, a student who has dyslexia and a sensory impairment (e.g., blind or visually impaired, deaf or hard of hearing, deafblind) may need modifications to access the program.

The term "evidence-based dyslexia program" can be interpreted as being synonymous with "standard protocol dyslexia instruction," as that term was used in the Dyslexia Handbook, 2021 update.

Local educational agency (LEA) – This term applies to both school districts and open enrollment charter schools. Where questions and answers in this document do not pertain to open enrollment charter schools, the item will specifically refer to school districts.

Parent – This term generally means a child's biological or adoptive parent but may also include another person who is included in the definition of the term "parent" under IDEA at 34 C.F.R. §300.30.

Provider of dyslexia instruction (PDI) – This person must be fully trained in the LEA's adopted instructional materials for students with dyslexia, as required by Texas Education Code (TEC) §29.0032. This means that a PDI must be fully trained in the LEA's evidence-based dyslexia program and able to use individualized, intensive, multisensory, phonetic methods, and a variety of writing and spelling components described in the Dyslexia Handbook. While there is no required certification or license required for a PDI, LEAs are encouraged to seek out individuals who have specific licenses and certifications that focus on dyslexia identification and instruction, such as licensed dyslexia therapists (LDTs), licensed dyslexia practitioners (LDPs), certified academic language therapists (CALTs), certified academic language practitioners (CALPs), and those with structured literacy certifications. A PDI does not have to be a certified special education teacher, unless the LEA employs the PDI in a position that requires the certification. Because paraprofessionals must work under the supervision of teachers, a paraprofessional cannot be the person providing instruction to students in the evidence-based dyslexia program.

Specially designed instruction (SDI) – As an element of the term special education, IDEA defines SDI as adapting, as appropriate to the needs of an eligible child with a disability, 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. [34 C.F.R. 300.39(b)(3)] In addition to the identification of a disability, the need for SDI is an area that an ARD committee considers when determining initial and continued eligibility for special education and related services.

Standard protocol dyslexia instruction (SPDI) – This term, as used in the Dyslexia Handbook, 2021 Update, was defined on as evidence-based, multisensory structured literacy instruction for students with dyslexia. This term should be interpreted as being synonymous with "evidence-based dyslexia instruction," and "evidence-based dyslexia program," and there is no distinction between this and other types of dyslexia instruction, including SDI.

Child Find and the Initial Evaluation Process

(1) How did HB 3928 impact an LEA's Child Find process?

Distribution of a form on rights under IDEA that may be additional to those under Section 504 of the Rehabilitation Act of 1973. If a student is suspected of having dyslexia and may be a child with a disability, including when data supports a suspicion after the reading diagnostic assessments under TEC §28.006 or screening under TEC §38.003, LEAs must distribute to parents a form, developed by TEA, explaining the rights under IDEA that may be additional to those under Section 504. The Notice of Procedural Safeguards (NPS) meets the federally required notice of IDEA rights and is part of the process of seeking informed parental consent for evaluation, but the state requirement resulting from this bill is a specific form summarizing the rights that might be additional to those offered under Section 504. The Overview of Special Education for Parents form is available in English and in multiple languages.

In regard to the form, LEA responsibilities include the following when an initial special education evaluation has been requested by a parent, 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)];

- Parents need to be asked to acknowledge receipt of the form by signing and dating the last page. Each LEA will need to retain evidence of the parent's signature or documentation that the parent refused to provide a signature.

(2) What are the unique requirements specific to the evaluation and identification process for dyslexia?

Required Multidisciplinary Team (MDT) Member. TEC §29.0031 specifies that someone with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA's MDT when dyslexia is the suspected disability. This is a team of qualified professionals who conduct the evaluation for a student. [See **Required Member of the Multidisciplinary Team and the ARD Committee** for more specific information about requirements for this person's qualifications and participation in the evaluation and ARD committee meeting.]

Dyslexia is a specific learning disability (SLD). TEC §29.0031 states dyslexia is an example of and meets the definition of a 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. However, for purposes of the Public Education Information Management System (PEIMS), 34 C.F.R. §300.311 requires specific documentation of a child's eligibility determination as a child with an SLD. Thus, for the purpose of data reporting, an LEA would indicate the eligibility category for a student identified with dyslexia as SLD. As a result of the bill, TEA anticipates that each software vendor that contracts with LEAs for IEP development and implementation will add dyslexia to the list of SLD areas. In other words, dyslexia would be added to the existing list of SLD areas (e.g., basic reading skill, math calculations, reading fluency, written expression) so that ARD committees can simply select "dyslexia" to indicate the type of SLD identified. OSERS's October 23, 2015 Dear Colleague letter on dyslexia clarifies that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluations, eligibility determinations, or IEP documents.

- 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 that correlates with an academic achievement 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 any other pertinent factors that affect 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).

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 making a determination regarding dyslexia:

- Do the data show the following characteristics of dyslexia?
    - Difficulty with accurate and/or fluent word reading
    - Poor spelling skills
    - Poor decoding ability
- Do these difficulties (typically) result from a deficit in the phonological component of language? (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?

Teams must also remember that evaluations for dyslexia and all other specific learning disabilities must meet the criteria in 19 TAC 89.1040. Note that eligibility for SLD, including dyslexia, may be identified through a Response to Intervention (RTI) method or a pattern of strengths and weaknesses (PSW) model. Note that a PSW model is NOT the same thing as a significant variance/discrepancy model. Texas does not allow SLD eligibility to be made using a discrepancy model. MDTs will complete a comprehensive evaluation for dyslexia using both the requirements of the handbook and requirements of 19 TAC 89.1040. These are not separate evaluations. Identifying if the student is underachieving in one or more areas is based on **multiple sources of data,** rather than a single score or piece of information. **Evaluators must not rely on interpretative models or processes that exclude evidence of a disability based on predetermined score profiles or cut-off scores. Requiring a student to have a cognitive weakness that** correlates with an academic weakness may result in a student not receiving special education and related services that they are entitled to receive.

(3) Does the student have to be in a certain grade level before dyslexia evaluation can occur?

No. 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.

(4) 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.

(5) 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.

(6) 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 Admission, Review and Dismissal (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."

(7) What can parents do if they disagree with the school's evaluation?

A parent may request an Independent Educational Evaluation (IEE) at public expense.

(8) 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 (FIIE) under IDEA.

(9) Can a student be referred for a full individual and initial evaluation (FIIE) 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.

(10) 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.

(11) 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?

(12) 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 (FIIE) 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)).

(13) 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.

(14) 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.

(15) 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.

(16) **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.

(17) **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)).

(18) **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."

Required Member of the Multidisciplinary Team and the ARD Committee

(19) **Who can serve as the required MDT and ARD committee member when dyslexia is suspected and special education eligibility is determined?**

Requirements for Member With Dyslexia and Reading Knowledge. When dyslexia is suspected, a person with specific knowledge in the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA's MDT and any ARD committee that is convened to determine eligibility for special education and related services. TEC §29.0031 lists three means to satisfy this membership requirement:

(1) Be an LDT;

(2) 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

(3) If neither of the first two is available, be an individual who meets applicable training requirements adopted by the SBOE.

LEAs must prioritize the individuals who meet the credentials of the items (1) and (2) above when designating an individual to fill this role, as those are the statutorily required professionals. **To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)- accredited course at the teaching or therapy level.**

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2), an LEA may identify another individual to serve in this role who, **within the school year of being designated as such member**, must:

- **register and complete the Texas Education Agency's (TEA's) Texas Dyslexia Academies (TDAs);**
- **register and complete the TEA's Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and**
- **must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.**

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

(17)   How should this member document their participation in a student's evaluation and any resulting IEP?

TEC §29.0031 requires the dyslexia member of the MDT or ARD committee to sign a document describing their involvement and participation in the evaluation and any resulting IEP. TEA expects the member to sign the evaluation report conducted by the MDT. Signatures from the professionals serving on the MDT indicate consensus with the overall interpretations and conclusions contained within the evaluation. In situations where members of the MDT have different interpretations, they must work collaboratively to review the various sources of data and gather additional information as necessary to complete a single comprehensive evaluation report that is compliant with state and federal requirements and present the results for ARD committee consideration. Participation and involvement in an ARD committee meeting should be noted on an IEP signature page and clearly indicate that the person is fulfilling the role of this required member. In this case, it might be appropriate to document the member's role as the member required by TEC §29.0031(b).

(18)   Is this member required for every ARD committee meeting?

No. This 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 PDI must be involved in the development and implementation of 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. [See **Providers of Dyslexia Instruction (PDIs),** below]

Determining Eligibility for Special Education and Related Services

(19)   Is an evidence-based dyslexia program and evidence-based dyslexia instruction considered SDI, i.e., a special education service?

Yes, evidence-based dyslexia instruction is a special education service. TEC §7.102(c)(28) requires that there no longer be a distinction between standard protocol dyslexia instruction and other types of dyslexia instruction. An evidence-based dyslexia program, then, is SDI that is required for students who need it.

To establish a student's eligibility under IDEA, an ARD committee must address two qualifying factors, commonly referred to as prong 1 and prong 2. For purposes of identifying *dyslexia* specifically, first, to determine whether a student has a qualifying disability under prong 1, an ARD committee reviews evaluation reports and other appropriate information to determine whether a student has dyslexia. Second, if prong 1 is established, the ARD committee next determines prong 2, whether the student needs special education and related services. For a student with dyslexia, the prong 2 decision should include whether a student needs evidence-based dyslexia instruction or any other SDI to make progress. Therefore, if a student has been identified as a student with dyslexia and has been determined to need evidence-based dyslexia instruction or other SDI, then the student qualifies for special education and related services under IDEA as a student with an SLD for dyslexia. To reiterate, any student needing evidence-based dyslexia instruction containing all elements in the Handbook meets eligibility for prong 2.

For a student with a disability who is in need of special education, the ARD committee determines the SDI that meets the unique needs of the student. Note that an ARD committee is NOT prohibited from determining that an evidence-based dyslexia program is an appropriate special education service for any IDEA-eligible student with a disability who may not be formally identified with dyslexia. A student with a disability has access to the SDI needed in order for that student to make progress on his or her IEP. If a student needs instruction through an evidence-based dyslexia program, the ARD committee would document in the PLAAFP the student's needs in the area of reading with baseline data, an annual goal for that area of reading, and evidence of progress is documented when goals are monitored.

(20)   What about students who currently receive evidence-based dyslexia programs through an accommodation plan under Section 504?

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. Additionally, if a student is currently receiving only instructional accommodations and other regular education aids and services under a Section 504 accommodation plan (i.e., is not being provided an evidence-based dyslexia program), an LEA cannot discontinue those protections and plan with the exception of the already required periodic Section 504 reviews to document a student's continued impairment and continued need for 504 protections. As the field begins to transition to the change that a student's identification of dyslexia and need for an evidence-based dyslexia program will be considered SDI and qualifies the student as eligible for special education and related services, action will be required for those students whose LEAs currently offer the evidence-based dyslexia program through Section 504. **Section 504 committees must begin the process of discussing a student's continued need for an evidence-based dyslexia program and submitting referrals for full individual and initial evaluations (FIIEs). Each LEA should hold a Section 504 meeting as soon as possible but no later than by the end of the 2024-2025 school year to determine whether the student continues to require an evidence-based dyslexia program. If so, the LEA must refer the student for an FIIE.** In these cases, the student should continue to receive instruction through an evidence-based dyslexia program while awaiting parental consent for the FIIE, its completion, and the subsequent eligibility determination. LEAs should prepare for eligibility determinations to be made so that each eligible student could begin services under an IEP as soon as possible but no later than the beginning of the 2025-2026 school year.

Note that many of these students may have recently had an FIIE as part of the identification of dyslexia (a requirement since the 2021 update to the Handbook), and the ARD committee may have determined the student was not eligible to receive special education services. In these cases, an LEA must still operate as if a new initial evaluation is taking place, which means asking parents to provide informed consent for evaluation and adhering to 34 C.F.R §300.301 and 19 TAC §89.1011. However, during the review of existing evaluation data (REED) process, the MDT, which includes input and data from the student's parents, might determine that an updated student observation and collection of recent informal student data would be the only items necessary to include along with the recent evaluation report in order to determine eligibility and educational needs. If the parent of a student receiving this type of instruction under a Section 504 accommodation plan refuses to consent to an FIIE, the LEA has the option of using due process and/or mediation to seek consent to evaluate.

If an LEA receives a transfer student identified with dyslexia who was receiving an evidence-based dyslexia program through a Section 504 accommodation plan at the student's former LEA, the receiving LEA should take the necessary steps to accept and implement the Section 504 accommodation plan. The receiving LEA should provide the student the evidence-based dyslexia program while it initiates the process to refer the student for an FIIE.

A student is no longer eligible to receive instruction in an evidence-based dyslexia program through a Section 504 accommodation plan if a parent does not consent to an FIIE. As LEAs begin this transition, they are encouraged to prioritize referrals for FIIEs during this timeframe to those students who are currently receiving this type of instruction through a 504 plan because the LEA initially declined to evaluate under IDEA, as well as to those students who are not progressing appropriately through their evidence-based dyslexia program. A parent may request an evaluation at any time.

(21)   What if a parent does not give consent for either an FIIE when dyslexia is suspected or for the provision of special education and related services when dyslexia is identified?

Beginning with the 2023-2024 school year, which is the school year in which HB 3928 first applied, a student will not be entitled to receive an evidence-based dyslexia program if a parent does not consent to the provision of special education and related services following an FIIE or after an ARD committee has determined that the student is eligible for special education based on the identification of dyslexia and a need for an evidence-based dyslexia program. Under IDEA at 34 C.F.R. §300.300(b), a parent of a child with a disability is entitled to decline the provision of special education and related services.

Because evidence-based dyslexia programs are considered SDI and therefore special education services, the provision of those services must follow the IDEA requirements. A parent's refusal to consent to an evidence-based dyslexia program through IDEA means that the parent is refusing the child's special education and related services. Therefore, a parent should be informed of the following:

- The provision of an evidence-based dyslexia program is considered SDI, as that term is defined under IDEA. This means that an evidence-based dyslexia program is only available to students who are served under IDEA, which prescribes the legal requirements for special education and related services.

- Evidence-based dyslexia programs are not considered to be "regular" education aids and services. Regular aids and services are things like accommodations provided to a student to assist in classroom instruction and access to instruction, such as giving extra time for assignments and allowing speech-to-text capabilities when given a writing assignment. While a Section 504 plan could be appropriate for those needs, the need for an evidence-based dyslexia program crosses over into a special education need.

- Receiving special education and related services does not equate to a "place" where students are sent or that a student will necessarily see a dramatic shift in their services and schedules. The term special education and related services is drawn from IDEA and its terminology of requiring SDI because of an identified disability. IDEA provides unique parent and student protections under the law.

(22)   **If a student is not entitled to an evidence-based dyslexia program because a parent refused consent for an FIIE or the provision of special education and related services, what is the LEA's obligation to provide the student supports?**

For those students who are having difficulty in the regular classroom, all LEAs must consider tutorials, interventions, and other academic or behavioral support services available to all students, including a multi-tiered system of supports (MTSS). A parent's refusal to consent to an FIIE does not prohibit the student from receiving other support services from which they may benefit and that are available to **all** students. A student with a Section 504 accommodation plan would also be entitled to those support services. However, implementation of the LEA's purchased or developed evidence-based dyslexia program is considered SDI (i.e., a special education service not available to all students); therefore, the program will be provided to a student whose parent consents to the provision of special education and related services. Note that a reading intervention program that addresses all of the required components and instructional methods of dyslexia instruction as listed in the Handbook would be considered an evidence-based dyslexia program. While a student determined to be at risk for dyslexia or other reading difficulties based on a dyslexia screener would likely receive temporary targeted interventions as part of the LEA's data gathering process to determine whether the student is suspected of having dyslexia – which will likely overlap with some of the same components and instructional methods – it would be inappropriate to utilize a program that is designed to be used for dyslexia instruction through the LEA's MTSS. LEAs are reminded that they must comply with TEC §26.0081 whenever a child begins to receive intervention strategies. One of the requirements is that LEAs must provide parent notification. Additionally, LEAs are reminded that they cannot deny a parent's request for a special education evaluation for their child based on a requirement that students receive interventions and supports for specific amount of time.

(23)   **If a student no longer needs an evidence-based dyslexia program, might that student eventually be exited from special education and placed on a Section 504 plan?**

Under IDEA, it is possible for a student to no longer require special education and thus no longer qualify for an IEP. A school may only exit a student from special education after following all applicable procedures. When an ARD committee determines a student with dyslexia no longer requires evidence-based dyslexia instruction, it might determine that the student still would benefit from regular education aids and services (e.g., instructional accommodations). In that case, if an evidence-based dyslexia program was the only special education and related services the student received, the ARD committee could determine that the student no longer meets prong 2 under IDEA (the student's need for SDI), exit the student from special education, and a Section 504 committee should determine eligibility and consider the student's need for a Section 504 plan as necessary.

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))

Determining and Documenting Special Education and Related Services in the IEP

(24)   **Once a student is determined eligible for special education and related services based on identification of dyslexia and a need for evidence-based dyslexia instruction, how does an ARD committee determine and document the program in the IEP?**

Every eligible student with dyslexia needs to be considered for the LEA's evidence-based dyslexia program. Each LEA's program must address every component of dyslexia instruction and each instructional delivery method required in the

Handbook. Accordingly, every ARD committee should be able to communicate and discuss how the program addresses the following:

- The required components of dyslexia instruction;

- The required instructional delivery methods;

- How teaching the program with fidelity is defined (e.g., grouping formats, duration of program, how often and for how long a student receives the program); and

- The PDI's training and skill level required for the program.

An LEA's first consideration for every student who requires dyslexia instruction should be an evidence-based dyslexia program taught with fidelity and in accordance with all SBOE dyslexia program requirements. The student's PLAAFP and the goals developed based on the PLAAFP will also target the student's specific reading goals as determined by the ARD committee. While a PDI is teaching the program, the PDI should always consider individual student needs while progressing through the program. As they track the student's progress on his or her IEP goals and through the program's progress monitoring checks, the PDI and cooperating special education teacher might determine that a student requires additional services and supports, such as lowering the group size or utilizing a slower pace than what the program anticipates, while still maintaining the fidelity of the program. These types of determinations should be communicated to a parent/guardian, even when the additional services and supports do not affect the student's special education minutes or placement. An ARD committee should only consider deviations from the program's fidelity requirements when data collection, a student's PLAAFP, and other areas of the student's IEP clearly indicate the need for individualized modifications. An ARD committee cannot create its own type of SDI when the evidence-based dyslexia program is adequate to meet a student's needs, with or without some additional supports, unless it can specifically identify how the modified plan will offer and monitor all required components of dyslexia instruction.

Note that alterations from the program's fidelity statements and expectations should be made only for the direct benefit of the student based on his or her individual needs and must not be made deliberately to circumvent the components of fidelity that do not directly benefit the student (e.g., expanding the recommended group size or shortening the number of days/minutes per week for the instruction because of staff or scheduling capacity).

A student's need for an evidence-based dyslexia program might not end simply based on the student's progression through the program's sequence of lessons. Even when a student completes the program's sequential lessons, the PDI and cooperating special education teacher should work to identify whether the student continues to exhibit a need for an evidence-based dyslexia program based on identified skill gaps or any required components that need to be targeted in order for the student to meet his or her IEP goals.

(25)   How does an ARD committee document the evidence-based dyslexia program on the schedule of services of an IEP, and how does the program impact instructional arrangement (IA) coding for purposes of state funding?

The evidence-based dyslexia program will be documented as a special education service that is received in a special education location. An ARD committee will document frequency and duration of services in accordance with the evidence-based dyslexia program requirements unless the ARD committee is adding to or extending the SDI that is required to meet the student's needs. Note that if the PDI is not a special education teacher, a certified special education teacher is required to be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student in the general education classroom and/or in collaboration with the student's general education classroom teacher and the PDI. The special education teacher in this scenario is likely to collaborate with the PDI and the rest of the ARD committee in the development of the student's PLAAFP and in the development and implementation of the student's annual goals related to dyslexia. The special education teacher is also likely to collaborate with the student's other teachers to assist with the provision of accommodations or in lesson planning. However, it is possible that a special education teacher could provide direct support in a general education setting in other content areas because of the student's identified dyslexia or other identified disabilities.

The following chart reflects common situations on how an evidence-based dyslexia program could impact the schedule of services and a student's IA:

Arrangement A

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is not a certified special education teacher, and the student is provided indirect special education teacher supports.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of a free appropriate public education (FAPE). A certified special education teacher provides indirect or support/consultative services. The IEP includes measurable annual goals, progress monitoring, and any appropriate accommodations. The student receives no other special education and related services.

Impact on IA

Where the student receives the evidence-based dyslexia program is considered a special education location. The ARD committee will determine the indirect or support/consultative services that are necessary for the student and document those accordingly. If the required frequency of the program and indirect supports result in less than 21 percent of the student's instructional day in a special education setting, the IA code will be PEIMS code 41.

Arrangement B

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is not a certified special education teacher, and the student is provided direct special education teacher supports and/or related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE. A certified special education teacher provides direct supports to the student in one or more content areas, and/or the student receives related services.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. The ARD committee will determine the necessary direct supports and related services and document those accordingly. The IA code will be determined based on the percentage of the student's instructional day the student receives special education and related services in a setting other than general education. [Calculate IA per the Student Attendance Accounting Handbook (SAAH)].

Arrangement C

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is a certified special education teacher (the certification is required by the LEA), and the student receives no other special education and related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. If the required frequency the program results in less than 21 percent of the student's instructional day in a special education setting, the PEIMS code would be 41.

Arrangement D

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is a certified special education teacher (the certification is required by the LEA), and the student receives other special education and related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE. A certified special education teacher provides direct or indirect supports to the student in additional content areas, and/or the student receives related services.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. The ARD committee will determine the necessary direct or indirect supports and related services and document those accordingly. IA code will be determined based on the percentage of the student's instructional day the student receives special education and related services in a setting other than general education. [Calculate IA per the Student Attendance Accounting Handbook (SAAH)].

(26) Are there restrictions as to when (such as outside the school day) an LEA can require the provision of SDI, such as the provision of an evidence-based dyslexia program, to a student?

The LEA is responsible for the provision of FAPE to a student. In the case of a student receiving an evidence-based dyslexia program – which typically requires a certain number of minutes per day or majority of days each week – it can be difficult to accommodate this instruction into a student's daily schedule. While an ARD committee, which includes the student's parent (or adult student), can make adjustments to accommodate the student's schedule while still developing an IEP that offers a FAPE, an LEA should not mandate the provision of special education and related services outside of school hours. An LEA also should not unilaterally decide that all students who need to receive instruction through an evidence-based dyslexia program must give up specials (e.g., music, art) or a chosen elective in order to receive that instruction. Again, whereas an ARD committee can come to agreement on certain scheduling decisions, an LEA must not place certain conditions on a student or student group that they would not impose on other students simply because of the identification of a disability and the need for special education and related services. If the evidence-based dyslexia instruction that is being considered is outside of school hours or as a replacement for a non-core class or elective, it needs to be an ARD committee decision and must not be a unilateral decision of the LEA. If the LEA and parent disagree regarding the evidence-based dyslexia program or SDI instruction time that is provided during non-core classes/electives or outside of the school day, this must be documented in the IEP, and the parent must be provided prior written notice of any resulting change of placement. LEAs are encouraged to scheduled special education services first when developing the master schedule for any given school year. Providing a zero hour/advisory period/homeroom time during the school day may provide needed flexibility in a master schedule.

(27) Is the district required to provide technology devices 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

Public Education Information Management System (PEIMS) Coding and Program Intent Codes (PICs)

(28) If a student was receiving an evidence-based dyslexia program through special education and was coded as a 40 (mainstream instructional arrangement) last year, does an ARD committee meeting need to be held immediately to reflect a change in IA coding?

The IA submitted through PEIMS for a student impacts the state special education allotment generated for that student. The coding itself is not a specific part of a student's IEP since it is related to state funding rather than a student's programming. However, the IA coding is impacted by a student's schedule of services because time spent outside the general education classroom is considered in the calculation of the appropriate IA code. The LEA must first determine if the change in this circumstance is a change in location or a change in placement. To the extent that the LEA determines that it is a change in location and not a change in placement, an IEP amendment by agreement may be an option.

(29)   What data submissions through Texas Student Data System (TSDS) 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.

(30)   How does HB 3928 impact the collection of PEIMS data associated with the identification of students with dyslexia under TEC §48.009?

The bill should not significantly impact the data collection associated with TEC §48.009. An LEA will still be expected to note a "0" if the student is not identified with dyslexia and a "1" if a student is identified with dyslexia. If "1" is used, the LEA will still be expected to note whether the student participates in a special education program under TEC Chapter 29 or receives services under Section 504. Over time, TEA anticipates that these numbers will show a shift of students with dyslexia being served under special education.

(31)   How will HB 3928 impact the coding associated with an LEA's uses of the dyslexia allotment under TEC 48.103?

The TEA Financial Accountability Systems Resource Guide (FASRG) describes the uses of program intent codes (PICs) 37 and 43.

Providers of Dyslexia Instruction (PDIs)

(32)   What are the requirements for PDIs?

Every PDI must be fully trained in the LEA's adopted instructional materials for students with dyslexia. TEC §29.0032 imposes these PDI training requirements. Each LEA is responsible for ensuring compliance with this requirement.

A PDI does not have to be a certified special education teacher unless the individual is employed in a special education position that requires that certification. LEAs will determine whether the position requires the certification. The most highly trained and qualified individuals need to be the ones providing dyslexia instruction, including in an evidence-based dyslexia program. LEAs should strive to have the most highly trained and qualified individuals (e.g., CALTs, CALPs, LDTs) providing dyslexia instruction. It may divert from those efforts if LEAs use the approach of quickly training certified special educators to become PDIs as an alternative to these highly trained individuals. Similarly, requiring an LDT, CALP, or CALT to become a certified special educator may significantly reduce the applicant pool of well qualified PDI candidates. Because paraprofessionals must work under the supervision of teachers, a paraprofessional cannot be the person providing instruction to students in the evidence-based dyslexia program.

While literacy achievement academies are valuable resources for any teacher involved in the science of teaching reading, completion of this academy does not meet the requirements for a PDI to be considered fully trained.

(33)   Can a PDI provide support to students in prekindergarten through 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

(34)   What role does the PDI play in the development of a student's IEP and progress monitoring of goals, especially if the PDI is not a certified special education teacher?

The PDI will play a critical role in the development of a student's IEP. The PDI should be most familiar with the student's progress and present levels of performance through the provision of the evidence-based dyslexia program. If the PDI is not also the special education teacher who works with the student, the PDI and special education teacher need to collaborate on all areas of the student's IEP and progress monitoring. **Note that a PDI who is not a certified special education teacher cannot fill the role of a special education teacher as a required ARD committee member, so both will likely be a part of the ARD committee.** As a reminder, under 34 C.F.R. §300.321(a)(6), an LEA or parent can invite to an ARD committee meeting any person who has knowledge of special expertise regarding the child.

While TEA recognizes that staffing shortages exist across the state and respects LEA efforts to be strategic in hiring individuals to fulfill dual and specialized roles where possible, TEA cautions LEAs against an approach of using professionals like LDTs or CALTs outside of their expertise in instructing students with dyslexia or related disorders. While an LDT or CALT who is also a certified special educator might allow that professional to case manage and provide indirect supports to a student who is only receiving SDI because of the provision of an evidence-based dyslexia program, best practice would indicate to not divide that individual's expertise and require other special education duties simply because the LDT or CALT is also a certified special educator. For example, if an LEA requires that its PDIs be both LDTs and certified special education teachers, that LDT would ideally not be assigned a role requiring the individual to teach content knowledge in math to another student receiving special education and related services simply because their teaching certification allows for it.

(35)   Can PDIs who are not certified special education teachers be paid through federal or state special education funds?

Yes. PDIs will be providing instruction through the evidence-based dyslexia program that is considered a special education service documented in the IEP. **Because the services are required to provide FAPE, special education funds may be used for those positions.**

Progress Reporting

(36)   When are dyslexia progress reports required?

TEC §29.0031 imposes progress reporting specific to students receiving dyslexia instruction. During the anticipated timeframe at which students transition to receiving dyslexia instruction only under and IEP, any student that is provided an evidence-based reading program under a Section 504 accommodation plan must have a progress report prepared and communicated to a parent specifically on the student's progress as a result of that program at least once per grading period. To the extent that an IEP goal progress report would not comply with this requirement for a student receiving special education and related services, a separate progress report at least once each grading period would need to be sent to comply with this piece of the bill.

Required Board Policy

(37)   What is the role of a school board?

TEC §38.003(b) **requires that the board of trustees of each school district and the governing board of each open enrollment charter school adopt and implement a policy requiring the district or school to comply with all rules and**

standards adopted by the SBOE to implement the dyslexia program, including the Handbook and guidance published by the commissioner. While a district or school was already required to comply with these requirements prior to the enactment of this law, the explicit local policy requirement may assist in boards staying directly involved in the LEA's implementation of the dyslexia program requirements.

Dispute Resolution

(38)   What dispute resolution mechanisms are available to parents/guardians who may not agree with the decisions made by an LEA under IDEA and/or Section 504?

TEA offers multiple processes for resolving disputes related to special education: IEP facilitation, mediation, special education complaints, and due process hearings. To learn about these options, visit {insert dispute resolution processes webpage}.

The U.S. Department of Education Office for Civil Rights (OCR) oversees Section 504. {insert OCR website}.

(39)   What can parents do if the LEA is not following state requirements related to dyslexia?

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

In some cases, 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 an LEA 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. [Insert websites for general and sped complaints}

A parent can also utilize other dispute resolution options found [insert dispute resolution website]

Dyslexia Screening

(40)   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.

(41)   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 31st 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. – needs website links

Other

(42)   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."

Download and view the PDF. *Note: this form is subject to change if TEA determines that edits are necessary.*

Overview of Special Education for Parents

TEA Texas Education Agency

WHAT IS SPECIAL EDUCATION?

When a child receives special education, it means that a public school provides custom services and instruction specific to the needs of that student. Special education is available because of a federal law called the Individuals with Disabilities Education Act (IDEA), which provides students with disabilities and their parents special legal rights to receive these individualized learning opportunities.

> Special education is a service, not a place.

How can special education services help your child?

► If your child is eligible for special education services, your child will have access to services and supports that are specially designed to meet your child's unique needs.

► Special education services provide individualized programming at NO cost to you and may include special education teachers and service providers such as occupational therapists, physical therapists, speech-language pathologists, and providers of dyslexia instruction.

SPECIAL EDUCATION PROCESS:

Parents have a right to request a special education evaluation at any time. Schools are required to refer a student for an evaluation when a disability is suspected that might require special education services. It's important to understand the steps of the special education process.

Steps to Begin Special Education:

1. Referral
2. Consent to Evaluate
3. Evaluation
4. Determine Eligibility (ARD)
5. Develop the IEP

Receiving Special Education Services:

→ Implement the IEP

More Information about your rights as a parent can be found below:

SPEDTEX Special Education Information Center
Special Education Help for Parents
spedtex.org
1-855-773-3839

Parents Guide to the ARD Process
bit.ly/ParentsARD

Notice of Procedural Safeguards
bit.ly/ParentsNPS

While there are other federal laws that also offer certain protections for students with disabilities - such as Section 504 of the Rehabilitation Act of 1973 - IDEA has specific rights only available under that law. This document summarizes those rights.

Page | 1　　　　　TEA.TEXAS.GOV/TEXASSPED　　　　　August 2023

Overview of Special Education for Parents

TEA
Texas Education Agency

1 **REFERRAL** FOR SPECIAL EDUCATION EVALUATION IS MADE.

A referral is:
▶ Required by law when a public school feels that your child may have a disability that requires special education services to be successful.

▶ Called a *request* for a special education evaluation when a parent makes it. A request should be made in writing to the proper staff member. The school will respond with information on whether it will proceed with an evaluation.

> The school must respond in writing within 15 school days.

2 YOU WILL BE ASKED WHETHER YOU **CONSENT** FOR THE SCHOOL TO EVALUATE YOUR CHILD.

Consent to evaluate is:
▶ Permission you choose to give for specially trained personnel to evaluate and assess your child in specific areas.

▶ Used by the school to start the timeline by which the school must complete your child's evaluation.

> With some exceptions, an evaluation must be completed within 45 school days.

3 **EVALUATION** IS DONE BY A GROUP OF TRAINED PROFESSIONALS.

An evaluation is:
▶ Called a *Full Individual and Initial Evaluation* (FIIE), which includes a written report of education recommendations and information about your child's strengths, interests, and challenges. Professionals with training in the suspected disability must participate, e.g., someone like a licensed dyslexia therapist if dyslexia is suspected.

▶ Done at no cost to you. If you do not agree with the school's evaluation, you may ask for an *Independent Educational Evaluation* (IEE). This would be done by someone who is not employed by the school.

4 **ADMISSION, REVIEW AND DISMISSAL (ARD) COMMITTEE** MEETS TO DETERMINE IF YOUR CHILD IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.

The ARD committee is:
▶ A team, including you, teachers, school administrators, those with special expertise about your child, and professionals with special training about the suspected disability.

▶ In this meeting, discussing your child's evaluation report, identifying your child's strengths and areas of need, and then determining whether your child has a disability and the need for special education services.

> Once the evaluation report is done, an ARD committee typically has 30 calendar days to determine eligibility and develop the IEP.

5 IF YOUR CHILD IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES, THEN THE ARD COMMITTEE WILL ALSO DEVELOP AN **INDIVIDUALIZED EDUCATION PROGRAM (IEP).**

An IEP is:

► A collection of information that identifies your child's disability, shows your child's current strengths and areas of need, identifies goals to be worked on, and shows the special education and related services that are required for your child to be successful.

► A document that a school must follow once the process for developing it is complete, and you consent to your child receiving services. Services would begin as soon as possible.

You have the right to participate in the development of the IEP and agree or disagree to your child getting special education services.

MOVING FORWARD: RECEIVING SPECIAL EDUCATION SERVICES

Once an IEP has been developed, it is the school's responsibility to implement the IEP. Schools must offer the services, accommodations, and supports described in the IEP, and school staff will monitor your child's progress toward the goals in the IEP.

► You will receive progress reports on your child's IEP goals at least once each grading period.

► The ARD committee will meet and review your child's IEP at least annually.

► As a member of the ARD committee, you will discuss the need for an updated evaluation at least every three years.

► You can ask for an ARD committee meeting at any time.

► You can revoke your consent to special education services. In other words, you can tell the school in writing that you want your child's special education services to stop being provided.

► Special rules are in place for school discipline. If your child's disability is found to be the reason why the misbehavior occurred, then the ARD committee may, in certain situations, change the disciplinary consequence.

IF DISAGREEMENT OCCURS:

During each ARD committee meeting, you will be an active participant, discussing your child's specific needs with school staff as you work to come to a consensus on the best path forward. But from time to time, you may disagree with school decisions. Under the federal law IDEA, you have formal rights to disagree with special education decisions made by the school, both in the *steps to begin special education* and while *receiving special education services*. Dispute resolution options include filing state complaints, requesting mediation, and requesting a due process hearing. State facilitators are also available to help ARD committees reach consensus on IEPs.

WHAT IS IN AN IEP?:

The IEP must address certain elements for your child, including:

PLAAFP

» *Present Levels of Academic Achievement and Functional Performance* (**PLAAFP**): The ARD committee writes down your child's skills, abilities, and challenges based on the evaluation report and other data.

Goals

» Measurable annual **goals**: Goals are developed to focus on your child's specific needs and to describe when your child is expected to make progress.

- If your child has dyslexia, for example, a goal might focus on improvement in a specific area of reading development or fluency within a certain amount of time.

Instruction & Services

» A description of the **specially designed instruction, related services, and supplementary aids and services** that will be provided. The instruction and services will vary based on the specific needs of your child. For example, if your child has been identified with dyslexia:

- The specially designed instruction would likely include a regularly scheduled time for instruction by a highly trained provider using a program that has been shown to help students with dyslexia and in accordance with the Dyslexia Handbook;

- Related services might include support to improve your child's fine motor skills from an occupational therapist if he or she also struggles with handwriting; and

- Supplementary aids and services might include documenting your child's need for speech to text options for writing assignments.

Assessments

» Information on how your child will participate in state and districtwide **assessments**, including whether accommodations like extra time are necessary.

Transition

» **Transition** services: When your child turns 14, the IEP must begin to document plans for your child after high school and how your child's special education services will be adjusted to work on those plans.

Placement

» The IEP notes the educational **placement** of your child. Placement decisions are guided by a requirement to provide education in the least restrictive environment (LRE). The goal of LRE is to have your child included in classrooms and settings with children without disabilities as much as appropriate based on your child's unique needs.

Overview of Special Education for Parents

TEA Texas Education Agency

This form is a summary of rights, required to be given to parents after a referral has been made. Your signature serves only as acknowledgment that you received the form. For more information about your rights, review the Notice of Procedural Safeguards and the Parent's Guide to the ARD Process.

Student Name:	Student ID Number:

_____
Parent Name

_____   _____
Parent Signature   Date