



BACK TO SCHOOL UPDATES

FOR SPECIAL EDUCATORS, ADMINISTRATORS, AND OTHER PROFESSIONALS:

Several Commissioner of Education rules and a critical dyslexia State Board of Education (SBOE) rule were revised and became effective this summer. Make sure to review all of the revised rules referenced in this document, but here are some highlights:

WHEN PARENTS REQUEST, OR WHEN STUDENTS ARE REFERRED FOR, A SPECIAL EDUCATION EVALUATION:

19 Texas Administrative Code (TAC) §89.1011

Parents must be provided a copy of the [Overview of Special Education for Parents](#) form.

Districts must respond to a parent's written request for a special education evaluation for their child not later than the 15th school day after the date the district receives the request, or when the

district initiates the referral, and provide the parent with prior written notice of its:

- ▶ Proposal to conduct an evaluation; a copy of the [Procedural Safeguards](#); a copy of the [Overview of Special Education for Parents](#) form; and an opportunity to give written consent for the evaluation; or
- ▶ Refusal to conduct an evaluation; a copy of the [Overview of Special Education for Parents](#) form; and a copy of the [Procedural Safeguards](#).

INITIAL EVALUATION TIMELINES:

19 TAC §89.1011

- ▶ A copy of the written evaluation report must be provided to the student's parents as soon as possible after completion of the report but no later than five school days prior to the initial admission, review, and dismissal (ARD) committee meeting (see 19 TAC §89.1011(e)(1) for an exception to this timeline).

Evaluation report is completed

AND

Provided to parents as soon as possible, but no later than

5 school days

before initial ARD meeting

- ▶ Initial ARD committee meeting must be held within 30 calendar days from the date of the completion of the evaluation report. If the 30th calendar day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year. If an evaluation report indicates that a student would need extended school year (ESY) services, however, the ARD committee must meet as expeditiously as possible.

THEN

Initial ARDs must be held within

30 calendar days

If the 30th calendar day is in the summer, the ARD must meet by the

15th school day

the following school year.

This used to be by the 1st day of school.

INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)

19 TAC §89.1055

- ▶ Measurable annual IEP goals must include the components of a timeframe, condition, behavior, and criterion.
- ▶ While the ARD committee will determine the number of annual goals, they are required when:

Annual IEP Goals:

 Timeframe	 Condition
 Behavior	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Criterion

- ▶ The content of a subject/course is modified, whether the content is taught in a general or special education setting, in order to address how the content is modified; and
- ▶ A student is removed from the general education setting for a scheduled period of time but the content of the subject/course is not modified.

- ▶ Short term objectives/benchmarks may be included in a measurable annual goal and must be included in an annual goal if an ARD committee has determined that a student will not participate in the regular state assessment. The short term objective/benchmark cannot be used as the criterion to indicate mastery of the annual goal.
- ▶ If a student meets eligibility for and will participate in the STAAR Alternate 2 assessment, the TEA's STAAR Alternate 2 participation [form](#) must be included in the IEP.

- ▶ No later than the first IEP to be in effect when the student turns 14 years of age, the ARD committee must consider and, if appropriate, address transition needs in the IEP (what is new is that the federal requirement to address certain postsecondary goals by age 16 has moved to age 14 to align with other Texas transition requirements).

Postsecondary goals are now required at age 14.

- ▶ Students who register in the summer in a new district who received special education and related services in their previous district will no longer be under a different process than other school-year transfer students. The requirement to adopt and implement an IEP before the first day of school has been removed. Follow the timelines at [19 TAC §89.1055\(s\)](#) for in-state and out-of-state transfer students.
- ▶ Annual IEP reviews must consider whether a student requires ESY services [see [19 TAC §89.1065](#)].

ELIGIBILITY FOR SPECIAL EDUCATION AND RELATED SERVICES:

19 TAC §89.1040

Be aware of the following changes to the state's eligibility criteria:

AUTISM – Determination of whether a student meets criteria for autism cannot require that the student meet the medical diagnosis for autism; additionally, the absence of the “other” characteristics listed in the [federal regulations](#) don't automatically exclude a child from eligibility.

DEAF OR HARD OF HEARING (DHH) – Students no longer have to have an otological examination to meet eligibility criteria.

DEVELOPMENTAL DELAY

This disability eligibility category [definition can be found at [19 TAC §89.1040\(c\)\(13\)](#)] may begin

NCEC is transitioning to **Developmental Delay**



to be used by an ARD committee as of the 2024-2025 school year. Definition and age ranges (3 through 9) for this eligibility category are described in the rule. Beginning with the 2025-2026 school year, noncategorical early childhood (NCEC) must no longer be used (a student already identified as NCEC and is still within the age range of 3 through 5 years old may continue as NCEC until the required re-evaluation before 6).

DHH AND VISUAL IMPAIRMENT (VI) – Eligibility criteria added for children under three years of age.

EMOTIONAL DISABILITY

This term is taking the place of the federal term “emotional disturbance” (the eligibility criteria is not changing).

Emotional Disturbance is now **Emotional Disability**



ORTHOPEDIC IMPAIRMENT AND TRAUMATIC BRAIN INJURY – Rather than the licensed physician being a part of the multidisciplinary team (MDT), eligibility for these disabilities must include a medical diagnosis provided by a licensed physician.

OTHER HEALTH IMPAIRMENT – Rather than the listed health care providers being a part of the MDT, eligibility for this disability must include identification or confirmation of the student's chronic or acute health condition provided by the listed health care providers.

SPECIFIC LEARNING DISABILITY (SLD) – A reminder of current Individuals with Disabilities Education Act (IDEA) regulations that the presence of a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement is not required for SLD eligibility [also see Dyslexia, below].

DYSLEXIA OR DYSGRAPHIA AS THE EVALUATED OR IDENTIFIED SLD

[19 TAC §74.28](#)

[The Dyslexia Handbook](#)

[19 TAC §89.1040](#)

[19 TAC §89.1050](#)

[19 TAC §89.1055](#)

- ▶ SBOE rule on [Students with Dyslexia and Related Disorders](#) effective as of June 30, 2024, which means the Dyslexia Handbook is also effective as of that date.
- ▶ Every school district and open enrollment charter school's policy that requires the district or school to comply with the SBOE's dyslexia program and procedures must follow the rule, which is inclusive of the [Dyslexia Handbook](#).
- ▶ Every school district and open enrollment charter school must provide to parents of students enrolled in the district information on:

Characteristics of dyslexia and related disorders;

Evaluation and identification of dyslexia and related disorders;

Effective instructional strategies for teaching students with dyslexia and related disorders;

Qualifications of and contact information for providers of dyslexia instruction at each campus or school;

Instructional modifications and accommodations;

The steps in the special education process, as described in the [Overview of Special Education for Parents](#) form; and

How to request a copy and access an electronic version of the [Dyslexia Handbook](#).

- ▶ Universal screeners for dyslexia are still required in kindergarten at the end of the year and in first grade by January 31. The criteria for the screeners have not changed. The timeline for the screener in first grade was clarified slightly to require it as close to the middle of the school year as possible but no later than January 31.
- ▶ When dyslexia is a suspected disability, the MDT responsible for the comprehensive evaluation of the student must include as a member someone with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction.



Evaluation of the student must include someone who has:

- Specific knowledge of the reading process,
- dyslexia and related disorders, and
- dyslexia instruction.



This member must:

- ▶ Be a licensed dyslexia therapist (LDT);
- ▶ Be someone who has received training or certification from:
 - The Academic Language Therapy Association (ALTA);
 - International Dyslexia Association (IDA);
 - Orton Gillingham Academy;
 - Wilson Language Training; or
- ▶ Be someone who has received training through an International Multisensory Structured Language Education Council (IMSLEC) - accredited training center at the teaching or therapy level;
- ▶ Only if the individuals who possess the credentials above are not available may another individual serve in this role. To serve in this role when those above are not available, the individual, within one calendar year of being designated, must:
 - Register and complete the Texas Dyslexia Academies (TDAs);

- Register and complete the TEA’s Guidance for the Comprehensive Evaluation of an SLD; and
 - Document that the individual has training in current research and evidence-based assessments that are used to identify the most common characteristics of dyslexia.
- ▶ Identification of dyslexia or dysgraphia must include:
- ▷ An evaluation that addresses all of the domains and other requirements listed in [19 TAC §74.28](#) and the [Dyslexia Handbook](#); and
 - ▷ The terms dyslexia or dysgraphia, when identified, be used in the evaluation report and any resulting IEP.
- ▶ When considering initial or continued eligibility for special education for dyslexia, the ARD committee must include at least one member as described above (page 3). The limitations around availability also apply to this member.
- ▶ If an ARD committee determines the student has dyslexia (which is a disability under IDEA as an SLD), the ARD committee will determine whether the student requires the provision of special education and related services. If the student is determined to require dyslexia instruction, the student meets eligibility for special education and related services because dyslexia instruction is considered specially designed instruction (SDI).
- ▶ For students identified with dyslexia or a related disorder, the IEP must be developed and implemented in accordance with [19 TAC §74.28](#), including the [Dyslexia Handbook](#).

SSES TO PDES [SUPPLEMENTAL SPECIAL EDUCATION SERVICES (SSES) TO PARENT-DIRECTED SPECIAL EDUCATION SERVICES (PDES)]

[19 TAC §102.1601](#)

[PDES Website](#)

- ▶ TEA is now operating the SSES program under PDES; the program and eligibility requirements have not changed.
- ▶ The next application window will open on February 3, 2025.
- ▶ Unless a school district or open enrollment charter school has verified that a parent has already received or applied for a PDES grant, instructions and resources on accessing the online accounts – including the application window, and information about the types of goods and services that are available through the program must be shared in an ARD committee meeting.

The SSES Program is now the PDES Program

