



# Texas Administrative Code (TAC) Updates – August 2024

Check out the [Back-to-School Updates Document](#)



# Notable Changes to SBOE Dyslexia Rule 19 TAC §74.28 – Effective June 30, 2024

## Definitions of these terms:

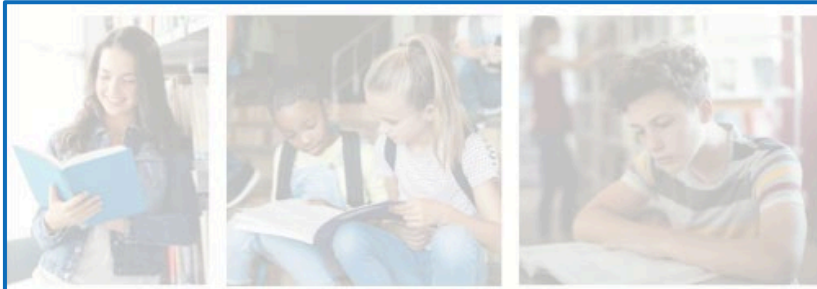
- Screening
- Testing
- Treatment
- Direct dyslexia instruction
- Provider of dyslexia instruction

### 19 TAC §74.28

*Each district and open-enrollment charter school **must provide to parents of students enrolled in the district or school 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 and contact information for providers of dyslexia instruction at each campus or school; instructional accommodations and modifications; 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 the electronic version of the Dyslexia Handbook. (Former rule referred to a parent education program for parents of students with dyslexia and related disorders).*



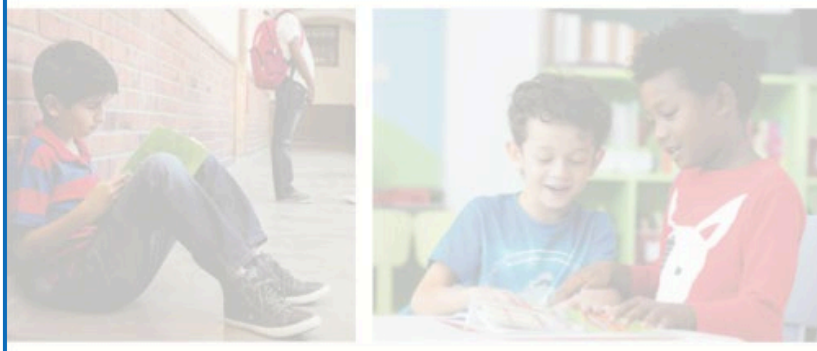
# The 2024 Dyslexia Handbook is Published



## THE DYSLEXIA HANDBOOK

Procedures Concerning  
Dyslexia and Related Disorders  
**2024 Update**

TEXAS STATE BOARD OF EDUCATION  
APRIL 2024



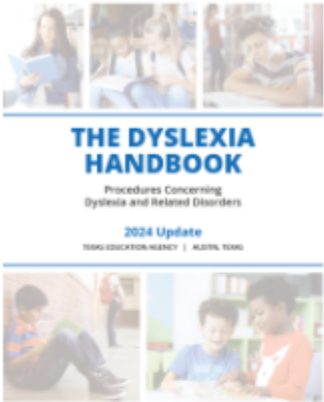
## VIEW THE DYSLEXIA HANDBOOK HERE:



[tea.texas.gov/dyslexia](https://tea.texas.gov/dyslexia)



# NEW Handbook FAQ Published August 9



- **The Dyslexia Handbook - Updated on August 9, 2024** (The handbook linked here includes the Dyslexia Handbook Frequently Asked Questions (FAQs), also linked below as a standalone document)
- **Manual Sobre Dislexia (The Dyslexia Handbook - Spanish)** - Spanish Handbook with the FAQs will be posted soon.



## Dyslexia Resources

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- The Dyslexia Handbook Frequently Asked Questions (FAQs) (New as of August 9, 2024)



# Rules Effective July 23, 2024

## **19 TAC §89.1049. Parental Rights Regarding Adult Students.**

- Deletion of outdated text

## **19 TAC §89.1065. Extended School Year Services.**

- Clarifying that previously acquired progress must have been demonstrated
- Requiring the ARD committee to consider ESY at the annual IEP review
- Adds that if a student who requires ESY withdraws from one district and registers in another one, the new district is responsible for ensuring those services are provided (could include direct provision of the services, contracting with the previous district or another entity)

## **19 TAC §89.1141. Education Service Center Regional Special Education Leadership.**

- Deletion of text that is either already covered in the Education Code or in required program assurances or other grant paperwork



# Rules Effective July 30, 2024

## 19 TAC §89.1011. Full Individual and Initial Evaluation.

- Identifies campus principal as an example of a district administrative employee for purposes of a parent submitting a written request for a special education evaluation;
- Requires the **Overview of Special Education for Parents** form for suspicions of all disabilities, not just dyslexia;
- Initial ARD committee meeting: 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** to finalize decisions concerning initial eligibility, and if appropriate, IEP and placement (was by first day of school);
- **Copy of written FIIE report** must be provided to parent as soon as possible after completion **but no later than five school days prior to the initial ARD committee meeting** (or not later than June 30 if the evaluation timeline was at least 35 but less than 45 school days before the last instructional day and less than 3 absences)



# Rules Effective July 30, 2024

## 19 TAC §89.1040. Eligibility Criteria

### Autism:

- Determination of autism cannot require that the student meet the requirements for a medical/psychological diagnosis; the absence of the “other” characteristics often associated with autism listed in 34 CFR §300.8(c)(1) does not exclude a student from meeting eligibility; deletion of pervasive developmental disorder mention.

### Deaf-blindness:

- Minor wording change

### Deaf or hard of hearing:

- **Deletion of the requirement for otological examination;** adds requirement for a communication assessment; instead of referring to “amplification,” the term is changed to “hearing assistive technology;” **adds a child under 3 years of age** meets criteria if the student’s record indicates the child is experiencing a developmental delay because of hearing loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and sensory impairment in accordance with 34 CFR §303.21.



# Rules Effective July 30, 2024

## Emotional Disturbance:

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- Changing to Emotional Disability

## Intellectual Disability:

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- No changes

## Multiple Disabilities:

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- Changes to align better with the federal definition

## Orthopedic Impairment:

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- Student's eligibility must include a medical diagnosis provided by a licensed physician (previously required a physician to be part of the MDT)

## Other Health Impairment:

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- Student's eligibility must include identification or confirmation of the student's chronic or acute health problem provided by a medical provider (list of providers, i.e., physician, physician assistant or advanced practice nurse didn't change) (previously required the provider as part of the MDT)





# Rules Effective July 30, 2024

## Specific Learning Disability:

- Changes to refer to the areas of written expression potentially including dysgraphia, and basic reading skill and reading fluency skills potentially including dyslexia;
- Adds reminder that significant variance among cognitive function and academic achievement not required for SLD determination;
- Adds a subsection specifically about suspicions of dyslexia to include reference to the required dyslexia professional as a member of the MDT/ARD, evaluation including all domains or other SBOE requirements; using the terms in the evaluation report (should also be in the IEP per the Handbook)
- Alignment changes

## Speech Impairment:

- No changes



# Rules Effective July 30, 2024

## Traumatic Brain Injury:

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- Must include a medical diagnosis by a licensed physician (previously required physician as part of MDT)

## Visual Impairment:

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- Adds child under 3 years of age meets criteria if child's record indicates that a child is experiencing a developmental delay because of vision loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment.



# Transitioning from NCEC to Developmental Delay

**Noncategorical Early Childhood (NCEC)** is defined as a student between the ages of 3-5 who is evaluated as having an intellectual disability, an emotional disability, a specific learning disability, or autism but whose ARD committee describes as NCEC instead.



“NCEC” transitioning to  
“Developmental Delay”



## Developmental Delay:

- Definition listed in the rule; based on extensive public comment, the final rule will allow the use of this category from ages **3 through 9 years of age**.
  - No district will be required to use it (however, if a district uses it, the district must use the definition and criteria listed).
  - A district MAY begin using this beginning with the 2024-2025 school year.
  - **NCEC must no longer be used beginning with the 2025-2026 school year.** Any eligible student who begins the 2025-2026 school year with NCEC, the student can maintain this eligibility until the required re-evaluation before the age of 6.



# Developmental Delay Definition

Developmental delay. A student with developmental delay is one who is **between the ages of 3-9 who is evaluated by a multidisciplinary team for at least one disability category listed in paragraphs (1)-(12) of this subsection and whose evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability or disabilities due to the child's young age.** In these cases, an ARD committee may determine that data supports identification of developmental delay in one or more of the following areas: **physical development, cognitive development, communication development, social or emotional development, or adaptive development.** To use this eligibility category, **multiple sources of data must converge** to indicate the student has a developmental delay as described by one of the following:

- (A) performance on appropriate **norm-referenced measures**, including developmental measures, indicate that the student is **at least 2 standard deviations below the mean or at the 2nd percentile of performance**, when taking into account the standard error of measurement (SEM), in **one area of development** as listed in this paragraph, **along with additional convergent evidence** such as interviews and observation data that supports the delay in that area;
- (B) performance on appropriate **norm-referenced measures**, including developmental measures, indicate that the student is **at least 1.5 standard deviations below the mean or at the 7th percentile of performance**, when taking into account the SEM, in **at least two areas of development** as listed in this paragraph, **along with additional convergent evidence** such as interviews and observation data that supports the delays in those areas; or
- (C) **a body of evidence from multiple direct and indirect sources**, such as play-based assessments, information from the student's parent, interviews, observations, work samples, checklists, and other informal and formal measures of development, **that clearly document a history and pattern of atypical development that is significantly impeding the student's performance and progress across settings when compared to age-appropriate expectations and developmental milestones in one or more areas of development** as listed in this paragraph.



## **19 TAC §89.1050. The Admission, Review, and Dismissal Committee.**

- Adds the required dyslexia professional as a member of the ARD committee when determining initial or continued eligibility for dyslexia;
- Moved several provisions to the more appropriate rule at 19 TAC §89.1055

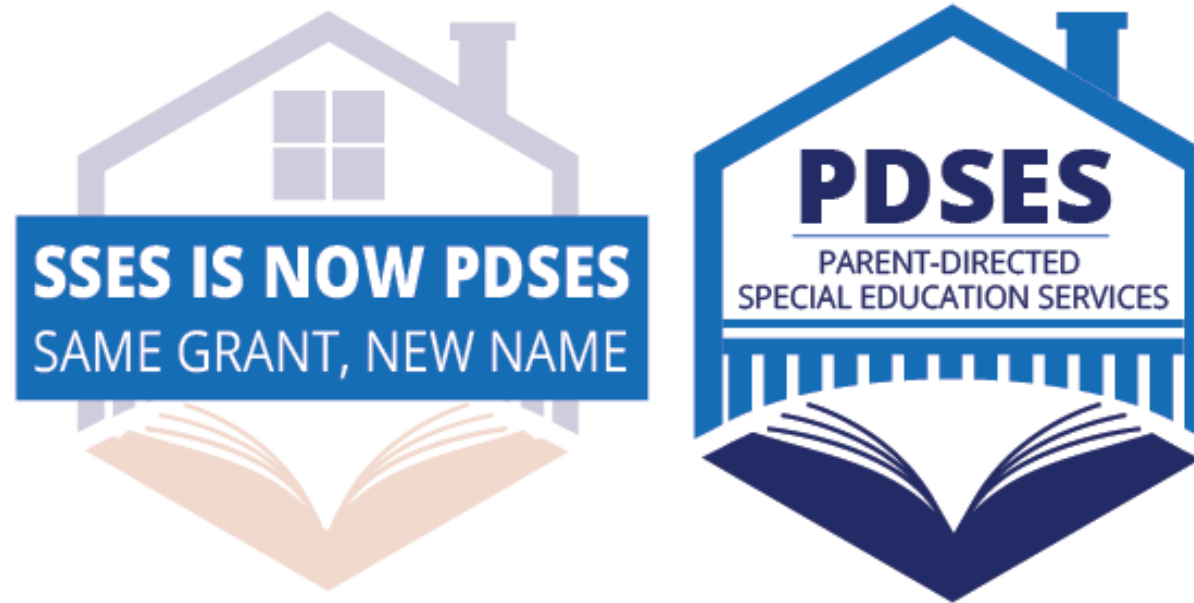
## **19 TAC §89.1055. Individualized Education Program.**

- Adds information about measurable annual goals, as well as short-term objectives/benchmarks
- Adds requirement to include STAAR-Alt 2 participation form (if applicable) to a student's IEP
- Various edits to the section describing the autism supplement
- Adds if student is identified with SLD of dyslexia or a related disorder, IEP must also be developed and implemented in accordance with 19 TAC §74.28 (which includes Dyslexia Handbook)
- Aligns both federal and state transition requirements to **no later than** the first IEP to be in effect when the student turns **14**
- Addresses students who register over the summer months (same as school year transfers)



## **19 TAC §89.1131. Qualifications of Special Education, Related Service, and Paraprofessional Personnel**

- Adds that provider of dyslexia instruction does not have to be a certified special educator unless the provider is employed in a special education position that requires the certification
- Deletes some outdated certifications and revises existing language
- Clarifies educational aides/paraprofessionals



The Supplemental Special Education Services (SSES) program is **now Parent-Directed Special Education Services (PDSES) program.**

The PDSES program is the same as the SSES program, just with a new name to better reflect the importance of parents as decision makers in the educational process.

**[PDSES.TEA.TEXAS.GOV](https://pdses.tea.texas.gov)**

## Highlighted changes from 19 TAC §102.1601 – Effective May 28, 2024:

- (a) Change: Changed the name = Parent-Directed Special Education Services (PDSES)
- (b) Change: “Supplemental” has been replaced with “Parent-Directed” throughout.
- (c) Added/Clarified: Students who receive services at an LEA through proportionate share are NOT eligible. Added language to clarify that students must be “served under an individualized education program (IEP) in a special education program”.
- (f)(3) New Section: “TEA will establish an annual application window.”
- (f)(6) New Section: TEA will no longer reprocess applications. Parents with ineligible students can either appeal (with correct documentation – no change to the ability to appeal) or must reapply during the next school year. *Note: All applications were reprocessed one final time in April 2024. Ineligible applications were notified of their options to appeal, or they must reapply next school year.*



## Highlighted changes from 19 TAC §102.1601 – Effective May 28, 2024:

- (j) Added: School districts and open-enrollment charter schools shall notify families of the program and, **unless the school district or charter school has verified that a parent has already received or applied for a program grant**, shall provide the following at the student's admission, review, and dismissal (ARD) committee meeting:
  - (1) instructions and resources on accessing the online accounts, **including the application window established by TEA**; and
  - (2) information about the types of goods and services that are available through the SSES grant.

**ARD committees still have the responsibility to inform parents of the PDSES program.**

- The SSES application is closed. **The application will open on February 3, 2025**, as the Parent-Directed Special Education Services (PDSES) application. The application will be open for 6-weeks.
- In the Fall of 2024, more guidance about how and when to apply will be presented to these groups and provided to LEAs and their families.

**Interest Form:** Fill out the interest form on the PDSES site to join the email list - TEA will send up to 5 emails with information on applying.

### Join the Email List

The SSES application is closed. **The application will open again on February 3, 2025, as the Parent-Directed Special Education Services (PDSES) application.** If you would like to receive email updates, please fill out the interest form below to join the email list.

[Join the Email List - English](#)

[Join the Email List - Spanish](#)



# Rule Changes Expected to Be Effective August 22, 2024



- 19 TAC §89.1001: Scope and Applicability
- 19 TAC §89.1005: Instructional Arrangements and Settings
- 19 TAC §89.1075: General Program Requirements and Local District Procedures
- 19 TAC §89.1076: Interventions and Sanctions
- 19 TAC §89.1085: Referral for the Texas School for the Blind and Visually Impaired and Texas School for the Deaf Services
- 19 TAC §89.1090: Transportation of Students Placed in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf
- 19 TAC §89.1092: Contracting for Nonpublic Residential Facilities for the Provision of a Free Appropriate Public Education (FAPE)
- 19 TAC §89.1094: Contracting for Nonpublic or Non-District Operated Day Placements for the Provision of a Free Appropriate Public Education (FAPE)



# Rule Changes Expected to Be Effective September through November 2024

- September – 19 TAC §97.1071: Special Program Performance: Monitoring, Review, and Supports
- October –
  - 19 TAC §89.1070: Graduation Requirements
  - 19 TAC §89.1035: Age Ranges for Student Eligibility
  - 19 TAC §89.1053: Procedures for Use of Restraint and Time-Out
- November –
  - 19 TAC §89.1196 – Individualized Education Program Facilitation
  - 19 TAC §89.1197 – State Individualized Education Program Facilitation