

**Report of the State Board of Education
Committee on Instruction
Thursday, September 2, 2021**

The State Board of Education Committee on Instruction met at 9:01 a.m. on Thursday, September 2, 2021, in Room #1-111 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Sue Melton-Malone, chair; Rebecca Bell-Metereau; Pam Little; Georgina C. Pérez; Audrey Young, vice-chair

Non-Committee Member Present: Aicha Davis

Public Testimony

The Committee on Instruction heard public testimony on agenda item #1. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEM

- 1. Public Hearing on Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders**
(Board agenda page II-1)

Public testimony was provided by the following individuals:

NAME: Michele Martella
AFFILIATION: Self

NAME: Kristin McGuire
AFFILIATION: Texas Council of Administrators of Special Education

NAME: Steven Aleman
AFFILIATION: Disability Rights Texas

NAME: Daphne Corder
AFFILIATION: Self

NAME: Elizabeth Wilson
AFFILIATION: Self

NAME: Rebecca Holmes
AFFILIATION: Self

NAME: Robbi Cooper
AFFILIATION: Self

NAME: Libby Grafa
AFFILIATION: Self

NAME: Stephanie Virag
AFFILIATION: Self

NAME: Linda Whitman
AFFILIATION: Self

NAME: Linda McKnight
AFFILIATION: Self

NAME: Nilam Agrawal
AFFILIATION: Self

NAME: Jessamyn Putnam
AFFILIATION: Self

ACTION ITEMS

2. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders
(Second Reading and Final Adoption)

(Board agenda page II-3)

Monica Martinez, associate commissioner for standards and support services, explained that, based on public comments received, staff was recommending specific amendments to the proposed updates to the Dyslexia Handbook.

MOTION: *It was moved by Mrs. Little and seconded by Dr. Young to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Bell-Metereau, and carried unanimously to amend the Dyslexia Handbook to include the staff recommendations included in the handout discussed by the committee (Attachment A).*

Ms. Martinez requested approval from the committee to make technical edits as needed. The committee agreed. Ms. Martinez also explained that the appendices in the handbook were not a part of the Texas Administrative Code and that changes to the appendices, including the frequently-asked-questions section, the publication date of the manual, front matter and the color scheme would be made by staff with the committee's permission which was granted.

VOTE: *A vote was taken on the motion to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, as amended. The motion carried unanimously.*

3. **Proposed Repeal of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings (Second Reading and Final Adoption)**
(Board agenda page II-106)

Justin Porter, state director, special education programs, explained that this proposed repeal is necessary because the 86th Texas Legislature, 2019, transferred rulemaking authority related to instructional arrangements for students with disabilities from the State Board of Education to the commissioner of education. He indicated that only two public comments were received and that no changes were recommended since approval at first reading and filing authorization.

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed repeal of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings; and*

Make an affirmative finding that immediate adoption of the proposed repeal of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

4. **Approval of Updates and Substitutions to Adopted Instructional Materials**
(Board agenda page II-115)

Amie Williams, director, instructional materials review and procurement, explained that the Children's Learning Institute at The University of Texas (UT) Health Science Center at Houston was requesting approval to update content in its adopted English and Spanish prekindergarten products and that curriculum subject-area specialists have reviewed the requested changes.

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve the request from the Children's Learning Institute at UT Health Science Center at Houston to update content in its adopted products CIRCLE Pre-K Curriculum (English) and CIRCLE Pre-K Curriculum: Spanish Edition.*

5. Report from the Commissioner of Education Regarding Updated Texas Prekindergarten Guidelines Alignment for Adopted Instructional Materials
(Board agenda page II-117)

Ms. Williams explained that in 2019 the State Board of Education (SBOE) adopted a rule and tasked the agency with establishing a procedure to allow publishers of adopted materials an opportunity to increase their standards alignment percentage in the year following original adoption. She explained that a state review panel was convened in June to review the content provided to align to standards missed in the initial *Proclamation 2021* review. This item would allow publishers to introduce this content into their adopted materials and update the percentages listed in EMAT and on the adopted list.

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education require that all publishers make changes listed in the Texas Prekindergarten Guidelines Update Report of Editorial Changes, approve changes and corrections submitted in response to written comments and public testimony, and update the official TPG percentage for instructional materials reviewed for TPG Updates on the Instructional Materials Current Adoption Bulletin.*

DISCUSSION ITEM

6. Rule Review of 19 TAC Chapter 74, Curriculum Requirements
(Board agenda page II-121)

Jessica Snyder, special projects director, curriculum division, explained that this item provides an opportunity for the board to review the rules in 19 TAC Chapter 74 and determine if they are still necessary, whether the statutory authority for the rules still exist, and if any future action may need to be taken. She explained that 19 TAC Chapter 74, Curriculum Requirements, includes rules related to the required curriculum and the graduation requirements. Ms. Snyder stated that an item will be presented at the November meeting to allow the board to consider amendments to rules related to the foundation high school program. She further explained that a proposed repeal of Subchapter D (graduation requirements for students who entered Grade 9 beginning in 2001-2002) and Subchapter E (graduation requirements for students who entered Grade 9 beginning in 2004-2005) will also be presented for consideration at a future meeting.

The meeting of the Committee on Instruction adjourned at 11:07 a.m.

Dyslexia Handbook Comments and Recommended Edits

Comment	Original Proposed Language	Proposed Amendment
<p>Page 15: To align HB3 and the handbook, the handbook could say letter sound knowledge or letter naming fluency. TX-KEA has letter sound knowledge, but not fluency. mClass has letter naming fluency, which requires letter sound knowledge. So making it “or” aligns that at KG. From a research perspective, both are predictive. These should be part of KG screening for dyslexia and early literacy.</p>	<p>Figure 2.2. Criteria for English and Spanish Screening Instruments Kindergarten</p> <ul style="list-style-type: none"> • Letter Naming Fluency • Phonological Awareness • [Phonemic Awareness] • [Sound-Symbol Recognition] • [Letter Knowledge] • [Decoding Skills] • [Spelling] • [Listening Comprehension] 	<p>Figure 2.2. Criteria for English and Spanish Screening Instruments Kindergarten</p> <ul style="list-style-type: none"> • Letter Sound Knowledge or Letter Naming Fluency • Phonological Awareness • [Phonemic Awareness] • [Sound-Symbol Recognition] • [Letter Knowledge] • [Decoding Skills] • [Spelling] • [Listening Comprehension]
<p>Page 20: There is a prescribed process for FIEs under both federal and state law. The steps in the FIE process are too complex to capture in the flowchart but cannot be overlooked and should be better stated. In Figure 2.5, edit and change the wording in lower right text box as follows: “Seek parental consent for a Full Individual Initial Evaluation (FIE) and, if the school receives consent, conduct the FIE within 45 school days, while ...”.</p>	<p><u>Obtain parental consent and conduct Full Individual Initial Evaluation (FIE) within 45 school days of the date 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) meets to review the results of the FIE.</u></p>	<p><u>Obtain parental consent and conduct Full Individual Initial Evaluation (FIE) within 45 school days of the date of parent consent, Seek parental consent for a Full Individual Initial Evaluation (FIE) and, if the school receives consent, conduct the FIE 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 FIE.</u></p>
<p>Page 27: This sentence has caused a great deal of confusion, because if the student is already eligible for under IDEA or Section 504, then this team typically would be the student’s ARD or Section 504 Committee, respectively. Perhaps consider inserting a phrase in the final sentence so it reads, “Unless the student is already served under IDEA or Section 504, this team of knowledgeable persons is not an</p>	<p>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 and qualifies for services and/or accommodations.</p>	<p>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 and qualifies for services and/or accommodations.</p>

<p>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 and qualifies for services and/or accommodations.”</p>		
<p>Page 27: In the subsection labeled “When the Data Lead to a Suspicion of a Disability, Including Dyslexia or a Related Disorder,” schools are directed to initiate a FIIE. However, it should be noted that schools are not limited in attempting to assist the student while the FIIE is underway. After the second sentence under the subsection, insert and add a new sentence as follows: “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.”.</p>	<p>If the team suspects that the student has dyslexia, or a related disorder, <u>or another disability included within the IDEA, the team must refer the student for [the team should consider the type of instruction that would best meet the student’s needs] 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.</u></p>	<p>If the team suspects that the student has dyslexia, or a related disorder, <u>or another disability included within the IDEA, the team must refer the student for [the team should consider the type of instruction that would best meet the student’s needs] 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. <u>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.</u></u></p>
<p>On page 28 of the Handbook under the heading Parents/guardians always have the right to request a referral for a dyslexia evaluation at any time. In the 3rd sentence, there is the statement "Under the IDEA, if the school rejects the request to evaluate,.....(Is "reject" the best word here?).</p> <p>Parents/guardians always have the right to request a 504 evaluation for a disability at any time. Parents/guardians could request a 504 evaluation after their request was "rejected" under IDEA. That should be stated here along with Parents/guardians always have the right to request a 504 dyslexia evaluation at any time.</p>	<p>Under the IDEA, if the school rejects the request to evaluate, it schools must give parents prior written notice of a refusal to evaluate, including an explanation of why the school refuses to conduct an initial evaluation FIIE, the information that was used as the basis for the decision, and a copy of the <i>Notice of Procedural Safeguards</i>.</p>	<p>Under the IDEA, if the school rejects <u>refuses</u> the request to evaluate, it schools must give parents prior written notice of a refusal to evaluate, including an explanation of why the school refuses to conduct an initial evaluation FIIE, the information that was used as the basis for the decision, and a copy of the Notice of Procedural Safeguards. <u>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. Additionally, the parent may request an Independent Educational Evaluation (IEE) at public expense. Should the parent believe that</u></p>

		their child is eligible for Section 504 aids, accommodations, and services the parent may request an evaluation under Section 504.
Page 30: “As discussed above, Child Find...” Child Find was discussed in chapter 2, but with the proposed changes, there is no previous discussion of Child Find in this chapter. This phrase could be deleted to avoid confusion.	As discussed above, <u>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.</u>	As discussed <u>in Chapter 2</u> above , <u>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.</u>
On page 34, in the section labeled “Formal Evaluation,” we recommend adding a specific sentence about how the campus or district dyslexia specialist should be involved in the FIIE, similar to how this is referenced on page 37 where it refers to reviewing and interpreting the data from the evaluation.	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.	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 and team of qualified professionals required under IDEA, it is recommended that the multi-disciplinary evaluation team include members who have specific knowledge regarding- <ul style="list-style-type: none"> • the reading process, • dyslexia and related disorders, and • dyslexia instruction.
Page 34: All of the committee references have been for the ARD Committee, but in the paragraph under Notification & Permission, it says “ARD Committee or Section 504.” This inconsistent with the same paragraph in Chapter 5 located on page 75 (87).	When formal evaluation is recommended, the school must complete the evaluation process as outlined in the IDEA or Section 504. Procedural safeguards under IDEA and Section 504 must be followed. For more information on procedural safeguards, see Appendix D,	When formal evaluation is recommended, the school must complete the evaluation process as outlined in the IDEA or Section 504. and Section 504 must be followed. For more information on procedural safeguards, see Appendix D,

	<p>IDEA/Section 504 Side-by-Side Comparison, see and TEA’s Parent Guide to the Admission, Review, and Dismissal Process (Parent’s Guide) and the Notice of Procedural Safeguards. or OCR’s Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools.</p>	<p>IDEA/Section 504 Side-by-Side Comparison, see and TEA’s Parent Guide to the Admission, Review, and Dismissal Process (Parent’s Guide) and the Notice of Procedural Safeguards. or OCR’s Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools.</p>
<p>Page 23 Commenter requested that the SBOE add the importance of Progress Monitoring. Commenter stated that during any intervention via RTI or under IDEA or elsewhere, including intervention or dyslexia instruction, progress monitoring is vital and the handbook should give examples of free or low cost tools like DIBELS Next so schools understand how easy and important this is to do. Commenter shared an example of a free resource to help. (https://dibels.uoregon.edu/assessment/dibels/dibels-next)</p>	<p>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</p>	<p>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.</p>
<p>On page 45: Under Part I, it states “While an IEP is individualized to the student, in most cases 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 phrase “in most cases” leaves much more wiggle room for IEPs to address the critical evidence-based</p>	<p>While an IEP is individualized to the student, in most cases 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.</p>	<p>While an IEP is individualized to the student, in most cases 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.</p>

<p>components of Chapter 4. Could this phrase be removed so the sentence reads as follows? “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.”</p>		
<p>On page 55, at the end of the first paragraph of the section labeled “Providers of Dyslexia Instruction,” we recommend adding a specific statement that a provider of dyslexia instruction does not have to be certified as a special educator when serving a student who also receives special education and related services, if that is the most appropriate person to offer dyslexia instruction.</p>	<p>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</p>	<p>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</p>

	<p>includes both analytic and synthetic approaches. See pages 39 – 41 for a description of these components of instruction and delivery.</p>	<p>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 does not have to be certified as a special educator when serving a student who also receives special education and related services if that provider is the most appropriate person to offer dyslexia instruction.</p>
<p>Page 76: Even though spelling is included as a consequence of dysgraphia, it is not a required component of a dysgraphia evaluation. Could this be added to the Academic Skills column in Figure 5.2?</p>	<p>Academic Skills</p> <ul style="list-style-type: none"> • Letter formation • Handwriting • Word/sentence dictation (timed and untimed) • Copying of text • Written expression • Writing fluency (both accuracy and fluency) 	<p>Academic Skills</p> <ul style="list-style-type: none"> • Letter formation • Handwriting • Word/sentence dictation (timed and untimed) • Copying of text • Written expression • Spelling • Writing fluency (both accuracy and fluency)
<p>Page 77 Much of this chapter was copied from Chapter 3 and tweaked slightly. However, Figure 5.3 copied and tweaked the language from the 2014 Revision rather than the current parallel Figure 3.7. Could the questions be changed to mirror the language in Figure 3.7, adapting as appropriate for dysgraphia? Suggested questions are below. (Language from other parts of Chapter 5 was used in addition to language from Figure 3.7.)</p>	<ul style="list-style-type: none"> • Do the data show a pattern of low writing and spelling ability that is unexpected for the student in relation to the student’s other cognitive abilities and provision of effective classroom instruction? • Does the pattern indicate the student has dysgraphia? • Does the student meet eligibility as a student with a disability under Section 504 	<ul style="list-style-type: none"> • Do the data show a pattern of low writing and spelling ability that is unexpected for the student in relation to the student’s other cognitive abilities and provision of effective classroom instruction? • Does the pattern indicate the student has dysgraphia? • Does the student meet eligibility as a student with a disability under Section 504 or IDEA?

<ul style="list-style-type: none"> ○ Do the data show the following characteristics and consequences of dysgraphia? <ul style="list-style-type: none"> ■ Illegible and/or inefficient handwriting due to difficulty with letter formation ■ 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 cognitive abilities, other developmental or neurological conditions that include motor impairment, and the provision of effective classroom instruction? 	<p>or IDEA?</p>	<ul style="list-style-type: none"> ● <u>Do the data show the following characteristics and consequences of dysgraphia?</u> <ul style="list-style-type: none"> ● <u>Illegible and/or inefficient handwriting with variably shaped and poorly formed letters</u> ● <u>Difficulty with unedited written spelling</u> ● <u>Low volume of written output as well as problems with other aspects of written expression</u> ● <u>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)?</u> ● <u>Are these difficulties unexpected for the student's age in relation to the student's other abilities and the provision of effective classroom instruction?</u>
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