

# Frequently Asked Questions: Dyslexia and Related Disorders

Updated January 2021

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Please see the [Dyslexia Handbook 2018 Update](#) Appendix A: Questions and Answers for additional questions and answers regarding dyslexia

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## Child Find

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### **Q1: Does the federally required Child Find process under the Individuals with Disabilities Education Act (IDEA) apply to students who are suspected of having dyslexia?**

Yes. Under the Individuals with Disabilities Education Act (IDEA) a local education agency (LEA) has an obligation to refer any student who is suspected of having a disability and needing special education services for an evaluation.

## IDEA and Section 504

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### **Q2: If a student is receiving Section 504 services or if a parent has signed consent to initiate a Section 504 evaluation, is the LEA required to obtain parental consent for evaluation if the LEA refers the student for a special education evaluation?**

Yes. Although a parent or guardian may have signed consent for an evaluation under Section 504, the LEA must still obtain the parental consent required by the IDEA under 34 code of federal regulations (CFR) §300.300 before conducting a full individual and initial evaluation (FIIE) of the student. A parent may request an evaluation at any time.

### **Q3: In order for a student who has been identified with dyslexia under Section 504 to receive special education services under the IDEA, does he/she need to receive an FIIE?**

Yes, an FIIE must be completed, and eligibility determined in accordance with 34 (CFR) §300.304 through 300.311 before a student may receive special education and related services. The specific assessment components will vary on a case-by- case basis, depending on existing evaluation data and the functional and developmental needs of the student. Certainly, the information from the dyslexia evaluation should be used as part of the multiple sources of data that is included within the FIIE. Additionally, the FIIE will contain all the information necessary to determine the educational needs of the student, including the need for special education services. Districts must provide the parents with a copy of the FIIE.

### **Q4: Must the evaluation of a student who is referred for a possible specific learning disability (SLD) (including students identified with dyslexia under Section 504) incorporate an assessment of cognitive processing strengths and weaknesses?**

In order to receive special education services, a student must meet eligibility criteria under state and federal law. Eligibility criteria for an SLD does not include a *requirement* for testing cognitive processing strengths and weaknesses. According to commentary in the Federal Register relating to 34 CFR §300.309(a)(2)(ii), the US Department of Education states, The Department does not believe that an assessment of psychological or cognitive processing should be required in determining whether a child has an SLD. There is no current evidence that such assessments are necessary or sufficient for identifying SLD. Further, in many cases, these assessments have not been used to make appropriate intervention decisions. However, 34 CFR §300.309(a)(2)(ii) permits, but does not require, consideration of a pattern of strengths or weaknesses, or both, relative to intellectual development, if the evaluation group considers that information relevant to an identification of SLD.

71 Fed. Reg. 46651 (Aug. 14, 2006).

## Q5: How is dyslexia similar to a specific learning disability in the area of basic reading or reading fluency?

The IDEA recognizes eight areas in which a student may qualify with an SLD. Basic reading skill and reading fluency are two of these areas. The other six areas include oral expression, listening comprehension, written expression, reading comprehension, mathematics calculation, and mathematics problem solving. These are not specific conditions, rather they describe areas where the student does not achieve adequately for his or her age or meet state-approved grade level standards. The federal regulations identify dyslexia, on the other hand, as a condition that may cause a student to achieve inadequately in one or more of the areas identified above—typically basic reading skills and/or reading fluency. Under this framework, a student with dyslexia would likely be described as having a specific learning disability in basic reading skills and/or reading fluency with the condition of dyslexia.

The US Department of Education, Office of Special Education and Rehabilitative Services clarified the term dyslexia in a ["Dear Colleague" letter](#) dated October 23, 2015 which states, “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.”

## Dyslexia and the Individual Education Program (IEP)

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### Q6: May a student with dyslexia who receives special education services under the IDEA have dyslexia-specific goals in his or her IEP?

For purposes of this question, it is assumed that the term "dyslexia-specific goals" refers to goals created to address deficits commonly found in students with dyslexia. These students may have specific deficits in phonological awareness, letter-sound awareness, phonics, reading fluency, and/or spelling. Difficulties with reading comprehension, written expression, and vocabulary may present as secondary consequences of dyslexia. IEP goals for these students must be based on their individual needs as determined by the Admission, Review, and Dismissal (ARD) committee (34 CFR §300.306(a)(1), (c)(2); §§300.320-300.324). Moreover, neither federal nor state law precludes an ARD committee from including goals in a student's IEP related to the mastery of skills taught through dyslexia instruction. If a student with dyslexia is eligible for special education, the student's IEP must include appropriate reading instruction.

ARD committees should also consider the following:

- The IEP should include goals that can be objectively measured, address a child's unique needs, and be reasonably calculated to enable a child to make progress that is appropriate in light of his circumstances (See *Board of Educ. v. Rowley*, 458 U.S. 176 (1982); *Andrew F. v. Douglas County Sch. Dist. RE-1*, 137 S. Ct. 899; 69 IDELR 174 (2017); see also 34 CFR §300.320(a)(2)); and
- The IEP should describe how the school district will measure progress and state when periodic progress reports will be provided (34 CFR §300.320(a)(3)).

### Q7: How is dyslexia instruction for students receiving special education determined?

The ARD committee determines the appropriate services for students with dyslexia. The IEP should state the supports and services related to dyslexia (reading instruction, specially designed instruction, accommodations, modifications, related services, assistive technology, etc.) that the student will receive as well as the anticipated location, frequency, and duration of those services and modifications (34 CFR §300.320(a)(4), (7)).

**Q8: If a student eligible for special education receives dyslexia instruction as part of the IEP, must the dyslexia instruction be implemented with fidelity?**

For students receiving special education, including those identified with dyslexia, the ARD committee determines appropriate services and supports, including dyslexia instruction. Critical, evidence-based components of dyslexia instruction include phonological awareness, sound-symbol association, spelling, morphology, syntax, reading comprehension, and reading fluency. Instruction should be delivered explicitly and systematically, incorporate multisensory methods, be provided for adequate duration with fidelity to program guidelines, and be based on individual student need as determined by the ARD committee. Providers of instruction should be trained in the program(s) they are implementing and have additional documented dyslexia training aligned to 19 Texas Administrative Code (TAC) §74.28(e).

Moreover, the school district must implement the IEP developed by the ARD committee (34 CFR §§300.320(a)(4), 300.323(c)). The IEP must include the projected date for the beginning of the special education services as well as the frequency, location, and duration of those services and modifications (34 CFR §300.320(a)(7)).

If parents or guardians are concerned that a school district is not complying with a student's IEP, the parents should consider addressing their concerns with the child's teacher and campus administrative personnel or requesting an ARD meeting regarding the provision of special education and related services.

**Q9: What happens if the ARD committee cannot agree on the provision of services for dyslexia within the student's IEP?**

All instructional decisions for a student with dyslexia who receives special education services are determined by the ARD committee. The ARD committee includes school representatives and parents (34 CFR §§300.321, 300.327; 19 TAC §89.1050(c)). If parents disagree with decisions made by the ARD committee, procedural protections are available as well as alternative methods of dispute resolution. Early resolutions steps might include a 10-day recess, IEP facilitation, or mediation. Disputes can also be resolved through complaints resolution and due process hearings. [TEA's Special Education Dispute Resolution Handbook](#) explains the range of programs available through TEA to resolve disagreements between parents and a school district relating to special education and related services.

## Dysgraphia

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**Q10: Why does the Dyslexia Handbook 2018 Update include a section on dysgraphia?**

Texas state law requires districts and charter schools to identify students who have dyslexia and related disorders. Dysgraphia, as noted in Texas Education Code (TEC) §38.003(d)(2), is a related disorder. Recent research in the field of dysgraphia prompted the addition of guidance regarding the evaluation, identification,

and provision of services for students with dysgraphia. Therefore, Chapter 5 in the Dyslexia Handbook (2018) is dedicated to dysgraphia.

## Dyscalculia

### Q11: What is dyscalculia?

Dyscalculia is condition that would likely cause the student to achieve inadequately in math. Students identified with dyscalculia often demonstrate challenges with basic math skills, including difficulties learning math facts, telling time, rounding, estimating, counting money. Students identified with dyscalculia may be eligible to receive special education services for a specific learning disability in math calculation and/or math problem solving skills. *Dyscalculia is not one of the dyslexia related conditions identified in TEC §38.003(d)(1)-(2) (1995), however, it can co-occur with dyslexia or other learning disabilities.*

## Dyslexia Screening

New

### Q12: Who is required to be screened for dyslexia?

TEC §38.003 requires all kindergarten and grade 1 students to be screened for dyslexia. 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<sup>st</sup>.

### Q13: Should students in kindergarten and first grade who receive special education or Section 504 services be screened for dyslexia using the K/1 dyslexia screener under TEC §38.003?

Students receiving special education or Section 504 services should be screened using the K/1 dyslexia screener **unless:**

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

New

### Q14: Are there required dyslexia screening instruments that must be used to comply with TEC §38.003?

There is not a list of required screening instruments that must be used to comply with TEC §38.003. In determining which screening tool 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. Regardless of what the primary language of the student is, instruments used to screen for dyslexia and other reading difficulties must address the skills in Figure 2.2 below and Figure 2.3 on page 13 in the Dyslexia Handbook. LEAs may choose one instrument (or combination of instruments ) to conduct the dyslexia screenings in accordance with the guidelines presented in the [Dyslexia Handbook](#).

According to the Dyslexia Handbook, the screening instrument (or combination of instruments) must:

- take only a brief time to administer and be cost effective
- have established validity and reliability and standards

- include distinct indicators identifying students as either not at risk or at risk for dyslexia or reading difficulties
- provide standardized directions for administration as well as clear guidance for the administrator regarding scoring and interpretation of indicators/results
- include adequate training for educators on how to administer the instrument and interpret results

Figure 2.2. Criteria for English and Spanish Screening Instruments	
Kindergarten	First Grade
<ul style="list-style-type: none"> <li>• Phonological Awareness</li> <li>• Phonemic Awareness</li> <li>• Sound-Symbol Recognition</li> <li>• Letter Knowledge</li> <li>• Decoding Skills</li> <li>• Spelling</li> <li>• Listening Comprehension</li> </ul>	<ul style="list-style-type: none"> <li>• Phonological Awareness</li> <li>• Phonemic Awareness</li> <li>• Sound-Symbol Recognition</li> <li>• Letter Knowledge</li> <li>• Decoding Skills</li> <li>• Spelling</li> <li>• Reading Rate</li> <li>• Reading Accuracy</li> <li>• Listening Comprehension</li> </ul>

See the [Data Tool Selection Guidance webpage](#) or [Reading Instrument/Assessment Tool Alignment with the Dyslexia Handbook](#) for Literacy Tool Comparison Charts, which identify tools that are available at no cost (Kindergarten and 1st Grade) and aligned with the Dyslexia Handbook.

New

**Q15: Does the [Emergency Commissioner’s rule 19 TAC §74.1101](#) require LEAs to administer a dyslexia screener, as outlined in Chapter 2 of the Dyslexia Handbook, to all first-grade students within the first 20 school days of the 20-21 school year?**

No, grade 1 dyslexia screening requirements for the beginning of the 2020-2021 school year for LEAs that utilized the governor's waiver of the end-of-year dyslexia screener for Kindergarten students in the 2019-2020 school year follow the requirements of 19 TAC §74.1101 and TEC §28.006. 19 TAC §74.1101 directs schools to administer a reading diagnostic instrument within the first 20 days of the 2020-2021 school year. Results from K-2 diagnostic required through TEC §28.006 assists schools with identifying students at-risk for dyslexia or other reading difficulties, so they can implement an accelerated reading instruction program that provides targeted reading intervention. This is not the same screening requirement as outlined in Chapter 2 of the Dyslexia Handbook. Grade 1 students are administered the dyslexia screener required by TEC §38.003(a) and the Dyslexia Handbook by the end of January 2021.

New

**Q16: Will the timeline for the emergency rule requiring rising first grade students to participate in the required reading assessment within the first 20 school days be extended due to issues related to at home learning in the 20-21 school year? (The following Q & A is from the [SY 20-21 Special Education FAQ August 27, 2020](#).)**

No, incoming 1st graders in the school year 2020-2021, who were not assessed for dyslexia at the end of the 2019-2020 school year as kindergartners, must be assessed with a literacy assessment tool (not a full dyslexia screener), as per TEC §28.006, within the first 20 school days. Administering a literacy assessment within this crucial window will ensure that teachers have accurate, timely information to inform and individualize instruction. This data will be used to determine the Early Reading Indicator Code for Fall Submission. Information about assessments LEAs may use to fulfill this requirement is [linked here](#). The assessments listed

here include remote administration options for students receiving instruction virtually.

## Dyslexia Instruction

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New

**Q17: Can multisensory instruction be delivered in an online virtual platform with use of synchronous instructional delivery?**

Yes, multisensory instruction can be delivered within an online platform that delivers instruction synchronously (two-way real time live). Asynchronous delivery (not in person or real time) can support the synchronous instruction to provide additional multisensory opportunities. The Dyslexia Handbook Update 2018 describes multisensory instruction as using all the learning pathways in the brain (visual, auditory, kinesthetic, tactile) simultaneously to aide learning and memory.

The delivery of a dyslexia instructional program that meets the criteria from The Dyslexia Handbook pgs. 40-42 can be delivered by well-planned synchronous instruction. Well planned asynchronous activities can support the multisensory instruction taking place during synchronous instruction. For example, recordings of students reading words could be analyzed to inform the teacher of the student’s strengths and weakness and inform instruction. It does take planning and creative thinking, but dyslexia instruction that meets the Dyslexia Handbook’s multi-sensory requirements is possible using synchronous instruction.

New

**Q18: Can LEAs provide recorded dyslexia lessons in order to meet the requirement for providing dyslexia services during remote instruction?**

Dyslexia services can be provided through a variety of service delivery methods depending on a student’s unique needs and specific goals. Teachers and administrators should think about the provision of services in the remote instructional environment in a way that mirrors on-campus lesson planning. Students may spend a portion of that time receiving direct, explicit instruction from the teacher (akin to synchronous delivery) and a portion of that time in which they are working independently, turning in assignments, and receiving feedback (akin to asynchronous instruction). Synchronous instruction is defined as two-way, real-time, live, instruction between teachers and students, through the computer or other electronic devices or over the phone. Examples are live interactive classes with students and teachers participating real-time, teacher supported work time on video conference calls, scheduled and timed online tests. Asynchronous instruction is defined as a curricular experience where students engage in the learning materials on their own time, interacting intermittently with the teacher via the computer, other electronic devices, or over the phone. Examples are self-paced online courses with intermittent teacher instruction, pre-assigned work with formative assessments on paper or in the learning management system (LMS), watching pre-recorded videos of instruction with guidedsupport.

Regardless of the combination of instructional delivery the dyslexia program must align with the descriptors found in the following sections of Chapter IV of this handbook: Critical, Evidence-Based Components of Dyslexia Instruction and Delivery of Dyslexia Instruction (19 TAC §74.28(e)).

## Dyslexia PEIMS Data Submissions

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New

**Q19: Are there required Public Education Information Management System (PEIMS) data submissions related to dyslexia?**



Yes, there are three distinct PEIMS data submissions: Dyslexia Indicator Code, Dyslexia Risk Code, and Dyslexia Services Code.

**1. E1530 – C088 Dyslexia Indicator Code**

(Note: a student may be coded with multiple services codes)

Fall PEIMS due December 3, 2020 and resubmission due January 14, 2021

0	1
Not receiving services or situation not applicable to this campus	Participant in program or service, or condition or situation applicable to this campus

**2. E1644 – C222 Dyslexia Risk Code Kindergarten (End of Year) and First Grade (January 31<sup>st</sup>)**

Summer PEIMS due June 17, 2021 and resubmission due July 15, 2021

01	02	03
Screened and determined to be not at risk for dyslexia or related disorders	Screened and determined to be at risk for dyslexia or related disorders	Not screened for dyslexia or related disorders

**3. E1650 – C224 Dyslexia Services Code**

Summer PEIMS due June 17, 2021 and resubmission due July 15, 2021

00	01 *	02	03
Does not receive services for dyslexia or a related order	Receiving services for dyslexia or a related disorder with an individualized education program developed for the student under Section 29.0005; or a plan developed for the student under Section 504, Rehabilitation Act 1973 (29 U.S.C. Section 794)	Receiving instruction that meets applicable dyslexia program criteria established by the State Board of Education and is provided by a person with specific training in providing instruction. (see Chapter IV in the Dyslexia Handbook (2018) for program criteria)	Permitted, on the basis of having dyslexia or related disorder to use modifications in the classroom or accommodations in the administration of assessment instruments under Section 39.023

\*Students who are coded as having dyslexia and related disorders and who receive protections under Section 504 or IDEA should have written documentation that outlines the determination of Free Appropriate Public Education (FAPE). Each student’s unique, appropriate education should be described in terms of aids, accommodations, and services so that the assigned indicator code is supported by documentation. While Section 504 regulations do not require a written plan, practical requirements such as documentation of evaluation sources, the impairment and substantial limitations, committee discussion and decisions, and accommodations create the necessity of putting the plan in writing. In addition, should a disagreement take place, the written document may provide clear information regarding the intent of the LEA to provide FAPE.

## Resources

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### For additional information regarding dyslexia:

- [Dyslexia and Related Disorders TEA Website](#)
- The Dyslexia Handbook Updated 2018

### For additional resources and information regarding special education and Section 504:

- [SpedTex](#) the state's special education information center or 1-855-773-3839
- [Special Education TEA Website](#)
- [Technical Assistance: Child Find and Evaluation](#)
- [The Parent's Guide to the Admission, Review, and Dismissal Process](#)
- [Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities](#)
- [Technical Assistance: Section 504](#)

