



THE TEXAS DYSLEXIA HANDBOOK: FREQUENTLY ASKED QUESTIONS (FAQs)

This document represents frequently asked questions (FAQs) received by the Texas Education Agency (TEA) in relation to the State Board of Education's (SBOE's) [Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, 2024 Update](#) (Handbook). This FAQ is attached to the electronic PDF version of the Handbook as a courtesy to the reader, but it is **not** a document approved by the SBOE. This FAQ is a guidance document prepared by TEA. It does not constitute an administrative rule and thus does not impose any requirements beyond those required under applicable law, rules, and regulations. The intent is to offer general assistance to local educational agencies (LEAs) in implementing the Handbook. For additional technical assistance related to dyslexia and other specific learning disabilities (SLDs), see Texas SPED Support at spedsupport.tea.texas.gov.

[The Dyslexia Handbook on TEA's Dyslexia and Related Disorders webpage.](#)

This FAQ is informational only and not intended as, nor should it be considered as, providing legal advice. For legal advice on specific implementation issues, please consult an attorney.

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Chapters for FAQs:

Chapter 1: Definitions and Characteristics of Dyslexia:..... 2

Chapter 2: Screening 3

Chapter 3: Procedures for the Evaluation and Identification of Students with Dyslexia 3

Chapter 4: Critical, Evidence-Based Components of Dyslexia Instruction 9

Chapter 5: Dysgraphia..... 15

Other Frequently Asked Questions About Dyslexia and Related Disorders 16

Chapter 1: Definitions and Characteristics of Dyslexia:

1. What are “related disorders” of dyslexia?

There is no nationally recognized list of related disorders to dyslexia. The Texas Education Code (TEC) defines “related disorder” in [Section 38.003](#) for purposes of that section as a disorder similar or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability. It is important to note that this TEC definition dates to at least 1995 and much research and evidence-based instructional practices have evolved since that time. Additionally, the Handbook does not discuss how to screen or evaluate for these disorders, with the exception of evaluating for dysgraphia and instructional considerations for dysgraphia [see Chapter 5].

The Individuals with Disabilities Education Act (IDEA), through its regulations at [34 Code of Federal Regulations \(CFR\) §300.8](#), defines an SLD to be a disorder of 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, or spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

While dyslexia is mentioned as an example of an SLD, there is no list in the IDEA about those SLDs that are, or may be, related disorders of dyslexia. Guidance from the Office of Special Education and Rehabilitative Services (OSERS) within the United States Department of Education (Department), through the publication of a [Dear Colleague letter from October 2015](#), states that the list referenced above at [34 CFR §300.8](#) is not exhaustive. The letter stresses that nothing in the IDEA or its implementing regulations prohibits the use of the terms dyslexia, dyscalculia, or dysgraphia – conditions that could qualify a child as a child with an SLD under IDEA – in IDEA evaluation, eligibility determinations, or individualized education program (IEP) documents. Again, this letter stresses that nothing prohibits the use of these terms, but it does not specifically state what disorders are related disorders to dyslexia.

Through its responsibility listed in [TEC §7.102\(c\)\(28\)](#) and [§38.003](#) to approve a program for testing students for dyslexia and related disorders, the SBOE has specifically addressed dysgraphia as a related disorder to dyslexia in the Handbook [see Chapter 5] because “...both are language-based disorders” (p. 55).

Additionally, [TEC §48.103](#) outlines a funding allotment for students who have been identified as having dyslexia or a related disorder. Dysgraphia is the related disorder that is included with this allotment.

Therefore, while the Handbook reflects dysgraphia as a related disorder to dyslexia, the critical piece for school systems to remember is that **many** conditions can fall within the eligibility category of SLD under the IDEA.

Also see Chapter 5: Dysgraphia below for more information about that condition.

2. Does a child with dyslexia have to have a co-occurring disability in order to qualify for special education and related services?

No. If a child is determined eligible for the first prong (qualifying disability) of special education and related services based on an identification of dyslexia, and the admission, review, and dismissal (ARD) committee determines that the student requires dyslexia instruction, this would make the child eligible under the second prong of special education and related services eligibility, which is the need for special education, or specially designed instruction (SDI).

Dyslexia and dysgraphia are both SLDs, which means identification of either or both could result in a child being eligible for special education and related services if the child is identified with the disability and is determined to need SDI because of the disability.

Chapter 2: Screening

1. Can a parent/guardian exempt their child from administration of the required dyslexia screener under TEC §38.003?

There is no specific opt-out right for parents/guardians for their child not to be administered the required dyslexia screener in kindergarten and grade 1. Universal screeners – given that they are administered to all students – do not require individual parental consent prior to their administration to students. However, parents/guardians do have general opt-out rights under [TEC §26.010](#) regarding exemption from instruction. To the extent a parent/guardian exercises this right in relation to the dyslexia screeners, they may do so.

2. Is the screener required for a child who is already receiving special education and related services in kindergarten or grade 1?

Yes, unless the student's ARD committee determines the screener is not appropriate. An ARD committee should only determine that a screener is not appropriate if the student's data clearly indicates that the intent of a screener to identify those who may be at risk for dyslexia or reading difficulties has already been satisfied through an IIE, the provision of SDI, or by other means.

3. Are there approved screener criteria for dysgraphia or other related disorders?

No. There are currently no SBOE-approved criteria for dysgraphia screeners nor for other related disorders. Teachers should be aware of the common characteristics of dysgraphia [pp. 55-57] that might present in one of their students.

Chapter 3: Procedures for the Evaluation and Identification of Students with Dyslexia

1. Can the required multidisciplinary team (MDT) and ARD committee member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction (required dyslexia member) be someone who is already serving a required role on the team or committee?

Potentially. [TEC §29.0031\(b\)](#) and the Handbook are clear that unless a licensed dyslexia therapist (LDT) or a person with the most advanced dyslexia-related certification is not available, individuals in those positions **must** serve as the required dyslexia member.

If individuals in these roles are not available, the Handbook allows others who meet specific training requirements (pp 29 and 32) to serve as the required dyslexia member.

The SBOE rule at [19 Texas Administrative Code \(TAC\) §74.28](#), including the Handbook, which is incorporated by reference into that rule, does not list any prohibition in serving as this member if the individual is already serving another role on the MDT or ARD committee. Therefore, a person who meets the criteria to serve as the required dyslexia member should be able to serve another role on an MDT or ARD committee, as long as the person is eligible by law or rule to serve in that original MDT or ARD committee role.

When designating the required dyslexia member for an MDT and ARD committee, LEAs – which include both school districts and open enrollment charter schools – need to focus on the required expertise of this member. This member must have specific knowledge of dyslexia and related disorders, the reading process, and dyslexia instruction. The reference to dyslexia instruction is not necessarily the same as the requirement for a provider of dyslexia instruction (PDI) [see Chapter 3, question 3] to be fully trained in the district’s instructional materials related to dyslexia instruction. **The critical piece to remember about this member is that they should play a pivotal role in a student’s evaluation and potential identification of dyslexia. LDTs and those with the most advanced dyslexia related certifications should have that expertise by nature of their license and certification, which is likely why the law specifically pointed to those individuals first.** To meet the intent of the statute and SBOE rule when those individuals are not available, LEAs need to feel confident that the member they designate brings the expertise to the evaluation and identification process.

For example, if an LEA determines that an LDT or someone with the most advanced dyslexia-related certification is not available, they might determine that their educational diagnostician, who is already well-versed in the evaluation of students and interpreting instructional implications of evaluation results, should be the one designated to be the required dyslexia member in an LDT’s absence once they receive the required training, while also fulfilling the IDEA requirements of a person who can interpret evaluation results. In this example, the diagnostician’s training would be the training that is described on pages 29 and 32, which includes registering and completing the TEA Texas Dyslexia Academies and registering and completing the Guidance for the Comprehensive Evaluation of a Specific Learning Disability training. The LEA must also be able to document that the diagnostician has training in current research and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When designating this member, consider that the law’s intent was likely not to simply have an individual look at assessment scores and weigh in with their expertise, especially in light of the importance of observing student behaviors in the data gathering process when determining whether a student demonstrates characteristics of dyslexia.

2. How should the required dyslexia member document their participation in an evaluation and 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 actively participate in a student’s evaluation and 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 required by [TEC §29.0031\(b\)](#).

3. Is a provider of dyslexia instruction (PDI) the same as the required dyslexia member?

Not always. If the PDI is an LDT or a certified academic language therapist (CALT), for example, who also administers dyslexia instruction to identified students, then the LDT and CALT are considered both the required dyslexia member (if they are available and serving in that role) and the PDI. However, a PDI can be different from the required dyslexia member. For example, if the PDI has been trained in the LEA's instructional materials for dyslexia instruction but does not also meet the requirements for the required dyslexia member, the PDI may not serve as the required dyslexia member.

An important concept to remember is that the **required dyslexia member should have extensive experience surrounding the evaluation and identification of dyslexia** [see also Chapter 3, question 1], **whereas a PDI must be fully trained in all the LEA's instructional materials for dyslexia instruction**. This *can* be the same person but will not always be the same person.

4. What does it mean to be trained in current research and evidence-based assessments that are used to identify most common characteristics of dyslexia?

The required dyslexia member must be trained in how to administer and interpret any norm-referenced tests used to identify the most common characteristics of dyslexia. Likewise, the dyslexia member must be trained in how to administer and interpret curriculum-based measurements used to assess the most common characteristics of dyslexia. An LDT or someone with the most-advanced dyslexia-related certification will be familiar with this by nature of their license or certification, so this will be required for the third option when either of those individuals are not available. An LEA will need to document how the individual meets this requirement.

5. Will you explain the “most advanced dyslexia certification” requirements?

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 [pp. 29, 32].

6. Must the required dyslexia member attend every ARD committee meeting?

No. The 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. The PDI is not always the same as the required dyslexia member, but many times will be the same. So, in the circumstances where they are the same person, even if the PDI is not specifically required in the role as the required dyslexia member because continued eligibility isn't being discussed, **the PDI will likely be a critical ARD committee member since he or she is a special education provider for that student**.

7. Is a dyslexia evaluation separate and apart from an SLD evaluation?

No. Dyslexia is an SLD. The Handbook does list specific evaluation domains and questions that must be considered when determining the presence of dyslexia. However, this does not mean it is a separate evaluation. The MDT will be completing a comprehensive evaluation for the presence of an SLD, which

includes those domains and questions in the Handbook associated with dyslexia. Dyslexia identification is then based on the preponderance of evidence. Remember also that an evaluation is not exclusively about standardized tests or assessments [also see question 8, below]. Part of the MDT's comprehensive evaluation would likely include a careful review of informal student data that analyzes whether the primary characteristics of dyslexia are present, and the MDT could then use particular instruments designed to further assist in identifying whether those characteristics are present. A careful review of that evidence may show the MDT that weaknesses in reading and spelling are unexpected as compared to the other student data it has analyzed. That may then lead to a confirmation by the MDT that the student meets the criteria for dyslexia using the questions on pages 33 and 34 (and referenced in question 10, below) independent or in lieu of standardized or other types of formal assessments.

8. The Handbook says to consider cognitive processes in a dyslexia evaluation. Is this the same thing as an IQ and achievement test?

No. It is not required that a student demonstrate a specific cognitive 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.

The MDT and ARD committee must interpret evaluation test results in light of a 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 should consider discreet skills (vs. composite scores), when drawing conclusions. As referenced in question 7 above, determining the presence of dyslexia or any other SLD based on a strengths and weaknesses model does not always require the administration of standardized assessments; there are different ways that a pattern of strengths and weaknesses model can be conceptualized by an MDT. 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.

9. How do the exclusionary factors listed in IDEA relate to the identification of dyslexia?

IDEA recognizes that an SLD does not include learning problems that are [primarily](#) the result of a visual, hearing, or motor disability; intellectual disability; emotional disability; cultural factors; environmental or economic disadvantage; or limited English proficiency. These are often referred to as exclusionary factors. A common misconception is that the mere presence of an exclusionary factor automatically rules out an SLD. This is not true. An exclusionary factor can coexist with an SLD (including dyslexia and related disorders).

MDTs and ARD committees need to consider the possibility that an SLD is not primarily resulting from exclusionary factors, particularly when students' academic skills are not progressing as expected despite receiving adequate instruction and appropriate supports and services to meet the needs that result from the exclusionary factors. It may be that the exclusionary factor does not fully explain the student's current academic underachievement. For some students, the exclusionary factor may be a contributing factor but is not what is primarily causing the observed academic underachievement. In these circumstances, an SLD may also be present. The presence of an SLD in addition to an exclusionary factor may create obstacles to learning and affect rates of progress and growth. Understanding if additional disabilities are present can help educators develop appropriate interventions and plan for an effective IEP that meets all the student's needs.

It is critical for educators to understand that having dyslexia makes reading and writing tasks difficult, which can lead to chronic stress and anxiety about academic performance, including for twice exceptional students who demonstrate both high achievement and evidence of one or more disabilities.

10. How do we determine unexpectedness?

If the MDT determines that the student exhibits weaknesses in reading and spelling, the team will then examine the student’s data to determine whether these difficulties are unexpected in relation to the student’s other abilities (not limited to academics), sociocultural factors, language differences, 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 team 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?

11. Do we use dyslexia in the evaluation report and IEP, or do we use SLD in basic reading or reading fluency?

Dyslexia **is** an SLD. [TEC §29.0031](#) states dyslexia is an example of and meets the definition of an SLD under IDEA. This is in conformity with IDEA’s federal regulations at [34 CFR §300.8\(c\)\(10\)](#), which specifically lists dyslexia as an example of an SLD. **The condition of dyslexia, if identified, must be documented and used in a student’s evaluation report and any resulting IEP.** Only for purposes of the Public Education Information Management System (PEIMS) data entry will an ARD committee report simply “SLD” as the eligibility category, per [34 CFR §300.311](#),

The agency understands that most LEAs typically use the list of the eight common areas of underachievement for an SLD (e.g., basic reading skill, mathematics calculation, reading fluency skills, written expression, etc.), but there is no legal requirement to report that data to the state. Additionally, it would not be in alignment with the Handbook if an LEA operated under a rigid practice that only formal, standardized assessments can prove the presence or absence of dyslexia by whether or not a student meets a certain threshold for the basic reading or reading fluency area on those assessments. That said, in the case of dyslexia, **it is important to indicate the presence of dyslexia as the SLD in the IEP for purposes of instructional planning and communicating a student’s needs.** Therefore, the agency expects that IEP program software vendors add the area of dyslexia to any type of pre-programmed options currently used for the areas of underachievement to also allow an ARD committee to indicate dyslexia as the type of SLD identified. Documentation of the identification of dyslexia is also important for purposes of any state monitoring of [TEC §48.103](#) and the receipt of the dyslexia allotment for certain children.

12. Are there tests that rule in or rule out dyslexia?

No. There is no single instrument, score, or formula that will automatically rule in or rule out dyslexia. A formal evaluation includes both formal and informal data, and all data will be used to determine whether the student demonstrates a pattern of evidence that indicates dyslexia [p. 28].

Additionally, it is important to note that standardized instruments are not always sensitive to skill variations in young children. Therefore, when a child in kindergarten or grade 1, for example, is being evaluated because he or she is not meeting basic standards of early reading instruments despite active participation in high-quality reading instruction, an MDT will need to engage in extensive data gathering and not rely on standardized instruments alone.

13. What if a student is already receiving special education and related services but is now suspected of having dyslexia?

The ARD committee will follow requirements for a re-evaluation to determine evaluation needs and must follow the process for evaluation and identification for dyslexia as described in the Handbook.

14. How would a student be referred for Section 504 if an ARD committee determines the student has dyslexia but does not qualify for special education and related services?

When determining whether a student identified with dyslexia requires special education and related services, the ARD committee must carefully analyze the student's evaluation report and compare the student's data with the expectations of the student's same aged peers and enrolled grade level curriculum. If the student needs SDI because of his or her disability in order to meet those expectations – including through the provision of dyslexia instruction – then the ARD committee would determine the student eligible for special education and related services. If a student identified with dyslexia is not eligible for special education and related services because the ARD committee has determined that the student does not need dyslexia instruction (i.e., SDI), the student may be eligible to receive accommodations under Section 504. A student who is found not eligible under the IDEA but who is identified with 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 determine eligibility for Section 504, as necessary.

For students eligible for Section 504, a Section 504 committee will develop the student's Section 504 accommodation plan, which must include appropriate instructional accommodations 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 SDI.

15. Must an emergent bilingual (EB) student receive a certain number of years of bilingual or English as a second language (ESL) instruction before requesting consent to conduct a special education evaluation?

No, there is no fixed amount of time that an EB student must receive bilingual or ESL instruction before an evaluation for dyslexia or a related disorder is considered. Dyslexia is found in all student populations and languages. The identification and service delivery process for dyslexia must be aligned to the student's linguistic environment and educational background, and involvement of the Language Proficiency Assessment Committee (LPAC) is required. Additional data sources for EB students are provided in Figure 3.3 in the Handbook (p 28).

16. What if a parent/guardian does not consent to a special education evaluation (full individual and initial evaluation, or FIIE) when a student is suspected of having dyslexia and a need for special education and related services, or if a parent/guardian refuses to consent to the provision of special education and related services if the student is found eligible based on dyslexia?

As of the 2023-2024 school year, a student is not entitled to receive dyslexia instruction if a parent/guardian refuses to consent to an FIIE based on suspicion of dyslexia or to the provision of special education and related services after an ARD committee has determined that the student is eligible for special education based on the identification of dyslexia and a need for dyslexia instruction. Under IDEA at [34 CFR §300.300\(b\)](#), a parent/guardian of a child with a disability is entitled to decline the provision of special education and related services. Because dyslexia instruction and the use of 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/guardian's refusal to consent to an evidence-

based dyslexia program through IDEA means that the parent/guardian is refusing the child's special education and related services. Therefore, if a parent refuses to consent to an IIE or indicates that they may refuse consent, the parent/guardian 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 accommodation 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/guardian and student protections under the law.
- ◆ Receiving special education and related services does not prevent a student from enrolling in and receiving support in advanced or honors courses, including college-credit bearing courses, solely because they are receiving these services.

Chapter 4: Critical, Evidence-Based Components of Dyslexia Instruction

1. How should an LEA document that the evidence-based dyslexia program(s) that it chooses to use meets the requirements of the Handbook?

Each LEA is responsible for knowing and being able to discuss how their evidence-based dyslexia program(s) 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, required days and minutes for the instruction); and
- ◆ The PDI's training and skill level required for the program.

2. Why does an LEA have to consider an evidence-based dyslexia program for a student instead of initially developing its own SDI for a student with dyslexia?

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. This is because the program has demonstrated evidence that students have made progress when provided the program with fidelity. The student's present levels of academic achievement and functional performance (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, likely in the form of the required progress report, 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 from progress monitoring, 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.**

3. How do you determine what is and what is not teaching with fidelity?

Modifications to 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).

However, if there are accommodations made to a program's fidelity statements that do not circumvent the evidence-based results of the program, an LEA can still determine that the program is being taught with fidelity. For example, if a program's fidelity statement includes the provision of instruction for 45 minutes a day, 5 days a week but an LEA with a 4-day instructional week schedule provides the instruction for 1 hour a day, 4 days a week, the program could be considered as still being taught with fidelity as long as the scope and sequence of the program is not fundamentally altered.

4. How does an ARD committee discuss and document the use of an evidence-based dyslexia program in a student's IEP?

An ARD committee must address how the program addresses the required components of dyslexia instruction 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 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 PDI is fully trained in the instructional materials to implement the program and how to differentiate the program, as determined by the ARD committee.

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.

TEA notes that the Handbook does not specifically require that the program being utilized by the LEA for the student be written in the student's IEP. However, given the specific program considerations that an ARD committee is required to discuss, it may make sense to the ARD committee that the program be listed in the student's IEP. Where these discussions are documented in a student's IEP would be at the discretion of the ARD committee.

TEA is currently discussing with stakeholders whether a dyslexia "supplement," similar to the nomenclature and implementation of the "autism supplement" that ARD committees use to discuss and include in an IEP when a student is identified with autism, would be helpful to the field and to parents.

5. Can a campus delay the provision of SDI if, for example, they do not otherwise have a beginner dyslexia instruction group to put the child in?

No. Once an IEP is developed, the parent consents to initial placement and services, and an implementation date has been determined, the provision of SDI must begin that aligns with the student's IEP. While it is possible that the PDI may need some time to observe and collect progress monitoring data on the student to determine an appropriate group in which to place the child to align the program with the child's needs before beginning the actual program, the student's IEP must be implemented without delay to provide the necessary SDI described in the student's IEP.

6. Should students currently receiving dyslexia instruction under Section 504 be removed from this instruction?

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 accommodation plan. Additionally, if a student is currently receiving only instructional accommodations and other general 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.

Because [TEC §29.0031](#) has been in effect since the beginning of the 2023-2024 school year, Section 504 committees of students who are receiving dyslexia instruction through a Section 504 accommodation plan should have already been discussing the need for an FIIE if the student continues to require this instruction, and, if so, those referrals for an FIIE should have taken place. Remember that an LEA must refer the student for an FIIE if he/she requires the SDI. 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. ARD committees must make eligibility determinations 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 had a recent 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/guardians 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), the MDT, which includes input and data from the student's parents/guardians, 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 to determine eligibility and educational needs. If the parent/guardian 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.

7. If a student is not entitled to an evidence-based dyslexia program because a parent/guardian 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 general 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/guardian'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, an 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 students whose parents/guardians consented 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 requirement is that LEAs must provide parents/guardians notification. Additionally, LEAs are reminded that they cannot deny a parent's/guardian's request or delay an LEA referral for a special education evaluation for their child based on a requirement that students receive interventions and supports for a specific amount of time.

8. Can a fully online program be used as long as it meets the components and methods?

Current research does not support the teaching of reading through an asynchronous, online program. While a synchronous program with live access to a trained PDI may be able to meet all required components and methods for dyslexia instruction and therefore be acceptable, an ARD committee will need to discuss if this meets a student's needs. Any program that does not provide access to a synchronous PDI could only be used for practice or reinforcement and must not be used as a substitute for, or an alternative to, following the program's fidelity requirements.

9. Is the IEP goal progress report enough to satisfy the dyslexia progress report?

Potentially. [TEC §29.0031\(d\)](#) requires that at least once each grading period, an LEA must provide a parent/guardian of a student who is receiving an evidence-based dyslexia program with information regarding the student's progress as a result of the student receiving that instruction. To the extent that the student's IEP goals – for which progress is already required by law to be reported each grading period – address the student's progress in the instruction, they could meet the same purpose. Note that any student receiving dyslexia instruction through a Section 504 accommodation plan until the end of the 2024-2025 school year would also require a progress report.

10. What are the requirements for a PDI?

Every PDI must be fully trained in the LEA's adopted instructional materials for students with dyslexia. 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 in the LEA's instructional materials for dyslexia.

There are three relevant statutory sections in the TEC that reference training and/or education requirements for educators who teach students with dyslexia.

- ◆ [TEC §21.054\(b\) and \(c\)](#) reflect that continuing education requirements for educators who teach students with dyslexia must include training regarding new research and practices in educating students with dyslexia, which may be offered in an online course.
- ◆ [TEC §21.4552\(b-1\)](#) reflects that completion of a literacy achievement academy by an educator who teaches students with dyslexia satisfies the continuing education requirement described above under [TEC §21.054\(b\)](#) and a training requirement adopted by the SBOE pursuant to [TEC §38.003](#) related to the screening or treatment of a student for dyslexia and a related disorder.
- ◆ The third reference is [TEC §29.0032\(b\)](#), which states that completion of a literacy achievement academy under [TEC §21.4552](#) by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements for the PDI to be considered fully trained in the LEA's instructional materials for students with dyslexia.

These statutes address different requirements. Firstly, [TEC §21.4552\(b-1\)](#) refers to the completion of a literacy achievement academy counting for continuing education for an educator's teaching certificate and/or a training requirement adopted by the SBOE related to the *screening or treatment* of a student for dyslexia or a related disorder. [19 TAC §74.28](#) defines "screening" as the administration of the universal screening instruments required in kindergarten and grade 1 and "treatment" as instructional accommodations under a Section 504 accommodation plan or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student's IEP. The SBOE requires, through text in the Handbook, that the individuals who administer the universal screeners be trained on the actual screener being used. Thus, while literacy achievement academies can fulfill training on the overall requirement to administer screeners, they do not count for the training that is required on the specific screener to be used. Additionally, there is no specific SBOE training requirement in relation to "treatment," as that word is defined in the rule. [TEC §29.0032\(b\)](#), however, requires that PDIs must be fully trained in the *district's adopted instructional materials for students with dyslexia*, which is not an SBOE training requirement related to the screening or treatment of a student for dyslexia or a related disorder. Furthermore, that same state law specifically states that a literacy achievement academy does not suffice for being trained in the district's adopted instructional materials for students with dyslexia. Thus, while a PDI could complete a literacy achievement academy for purposes of continuing education for their educator certificate, the PDI could not count the completion toward being trained for their specific role as a PDI.

11. What role does a PDI play in the development and implementation of an IEP?

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 reading 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 CFR §300.321\(a\)\(6\)](#), an LEA or parent/guardian can invite to an ARD committee meeting any person who has knowledge or 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. 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.

12. What role does the special education teacher play in the development and implementation of a student's IEP?

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 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 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.

13. Once the student completes the "program," does that mean the student's SDI is complete?

A student's need for an evidence-based dyslexia program does not automatically end simply based on the student's progression through a program's full 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. Under no circumstances should an LEA contact a parent/guardian and state that the need for special education and related services has concluded based on the completion of a program; this is an ARD committee decision and must be made based on student data, not the completion of a program. LEAs also need to remember that a student with a disability cannot be dismissed from special education without a reevaluation, which includes a REED.

14. If a student no longer needs an evidence-based dyslexia program or other SDI, might that student eventually be exited from special education and placed on a Section 504 accommodation 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, including a reevaluation and a REED. When an ARD committee determines a student with dyslexia no longer requires an evidence-based dyslexia program or other SDI, it might determine that the student still would benefit from general education aids and services (e.g., instructional accommodations). In that case, if an evidence-based dyslexia program or other SDI for dyslexia or another SLD 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 accommodation plan as necessary.

15. How is dyslexia instruction impacted for EB students?

The provision of dyslexia instruction should be in accordance with the program model the student is currently receiving (e.g., dual language, transitional bilingual, ESL). Dyslexia instruction for EB students must also incorporate the English Language Proficiency Standards (ELPS). The ARD committee for an EB student must include a member of the LPAC and consider what language allows the student to adequately access dyslexia instruction and the student's current language of classroom instruction.

Chapter 5: Dysgraphia

1. Is a dysgraphia evaluation separate and apart from an SLD evaluation?

No. Dysgraphia **is** an SLD. The Handbook does list specific evaluation domains and questions that must be considered when determining the presence of dysgraphia. However, this does not mean it is a separate evaluation. The MDT will be completing a comprehensive evaluation for the presence of an SLD, which includes those domains and questions in the Handbook associated with dysgraphia. Dysgraphia identification is then based on the preponderance of evidence.

2. Are there tests that rule in or rule out dysgraphia?

No. There is no single instrument, score, or formula that will automatically rule in or rule out dysgraphia.

Additionally, it is important to note that standardized instruments are not always sensitive to skill variations in young children. Therefore, when a child in kindergarten or grade 1, for example, is being evaluated because he or she is not meeting basic standards of handwriting despite active participation in high-quality handwriting instruction, an MDT will need to engage in extensive data gathering and not rely on standardized instruments alone.

3. How do we categorize dysgraphia within the eight SLD areas listed in 34 CFR 300.309(a)(1)(i)-(vii) in an evaluation and an IEP?

Dysgraphia, as described in the Handbook, is a neurodevelopmental disorder characterized by illegible and/or inefficient handwriting due to difficulty with letter formation. It goes on to state the difficulty is the result of deficits in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms).

TEA often gets questions in relation to how to document dysgraphia within the eight SLD areas listed in federal regulations and in [19 TAC §89.1040](#). Those areas are oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving. The question primarily comes up since the Handbook description of dysgraphia says that secondary consequences of dysgraphia *may* include problems with spelling and written expression.

For purposes of state data collection on student eligibility for special education and related services, only the category of SLD is reported. The area of SLD difficulty is not reported. However, most LEAs use IEP programs that document the area of SLD difficulty. To that end, as mentioned in the question about related disorders in the Chapter 1 section, there is nothing that would prohibit an MDT or an ARD committee from using the term dysgraphia as *the* SLD for which a student qualifies for special education and related services.

Therefore, dysgraphia could be added to the list of SLD areas for LEAs to indicate through their IEP programs as *the* SLD for which a student is eligible. To the extent that is not done, dysgraphia would fit within the area of written expression. Whereas written expression is generally referred to as the ability to communicate thoughts and ideas through writing, the area of written expression should also be viewed as including illegible and/or inefficient handwriting due to difficulty with letter formation, which is caused by deficits in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms). In other words, the area of written expression for purposes of the area of SLD eligibility includes handwriting, writing fluency, and spelling.

However, just as it is important to list dyslexia in an evaluation report and any resulting IEP for purposes of instructional planning and identifying and documenting a student's needs, the same importance applies to the identification of dysgraphia.

4. When would it be appropriate for an occupational therapist to be a part of the MDT and/or ARD committee?

Because of the graphomotor component (hand movements used for writing) of dysgraphia, it would likely be appropriate for an occupational therapist to be a part of the MDT involved in the evaluation. The occupational therapist would be a part of the ARD committee if deficits in graphomotor function are identified to assist in determining whether a student qualifies for special education and related services and developing any resulting IEP.

5. How should an ARD committee determine the second prong of special education eligibility (i.e., the need for SDI) for a student with dysgraphia?

This will be an individualized determination, as it is for each ARD committee. However, it is important to remember when reviewing the student's evaluation report and the identification of dysgraphia based on the preponderance of evidence (from multiple measures, both formal and informal), that specific information should be included about how the disability affects access to and progress in the student's enrolled grade level curriculum. If the evaluation report and ARD committee ultimately determine that the content, methodology, or delivery of instruction of enrolled grade level curriculum must be adapted for that student (i.e., need for SDI) because of his or her unique needs due to the identification of dysgraphia, then the ARD committee would determine that the student is eligible for special education and related services. Section 504 addresses accommodations as opposed to SDI.

6. What type of SDI is appropriate for dysgraphia?

Dysgraphia may occur alone or with dyslexia or other disabilities. An ARD committee will need to determine whether a child with dysgraphia needs explicit, systematic instruction in handwriting only; handwriting and spelling; or handwriting, spelling, and written expression along with word reading and decoding. More information around the delivery of effective instruction for students with dysgraphia can be found in the Handbook on page 65.

Other Frequently Asked Questions About Dyslexia and Related Disorders

The remaining items reflect FAQs TEA receives about dyslexia-related issues.

1. How did the changes to 19 TAC §74.28 impact the requirements for the parent education program?

[19 TAC §74.28](#) formerly required a parent education program for parents/guardians of students with dyslexia and related disorders. The program included awareness and characteristics of dyslexia and related disorders; information on testing and diagnosis; information on effective teaching strategies; information on the qualifications of those delivering services; awareness of information on accommodations and modifications; information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act, §504, and information on the response to intervention process; and contact information for the relevant regional and/or LEA specialists.

The revised rule, effective June 30, 2024, states that an LEA must provide to parents of students enrolled in the LEA information on: the 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; the qualifications of and contact information for PDIs at each campus or school; instructional accommodations and modifications; the steps in the special education process, as described in the [form](#) developed by TEA to comply with [TEC §29.0031\(a\)\(1\)](#); and how to request a copy and access the electronic version of the Handbook.

2. Are there certain definitions LEAs should consider when revising their procedures related to dyslexia screening, evaluation, identification, and instruction?

Yes. [19 TAC §74.28\(a\)](#), effective June 30, 2024, added definitions that will assist LEAs in aligning their local procedures. Those definitions relate to screening, testing, treatment, direct dyslexia instruction, and provider of dyslexia instruction.

3. What is the responsibility of the local school board of a school district or the governing board of an open enrollment charter school in their district or school complying with state and federal law and rule in relation to dyslexia screening, evaluation, identification, and instruction?

Both [TEC §38.003](#) and [19 TAC §74.28](#) require that the board of trustees of a district, or governing board of an open-enrollment charter school, provide for the treatment of any student determined to have dyslexia or a related disorder; and adopt and implement a policy requiring the district or school to comply with all rules and standards adopted by the SBOE to implement its program, including the Handbook and guidance published by the commissioner to assist with the district or school in implementing the SBOE program.

When a district or school's administration develops operating procedures related to dyslexia screening, evaluation, identification, and instruction, they must comply with and be in alignment with the Handbook. There is no direct statutory requirement for operating procedures around dyslexia; however, there are many decision points within law and the Handbook that a district or school's administration would want to make through the development and implementation of operating procedures. For example, the date or date range on which the district or school will conduct the first grade screener, given that the SBOE requires this be administered as close to the middle of the school year as possible but no later than January 31. Another topic covered in procedures might be who the district or school expects to serve on the screener data interpretation team for each student. It is very important, however, that locally developed operating procedures stay up to date with SBOE rules, the Handbook, commissioner rules, and other relevant state or federal requirements.

As part of its monitoring responsibilities, TEA can ask for artifacts to show that a district or school is complying with statute, including operating procedures. To meet the policy requirement, an LEA would show evidence of the actual board policy.

4. Are students who are receiving special education and related services but who are not identified specifically with dyslexia or dysgraphia (or another related disorder) prohibited from receiving SDI in reading, handwriting, spelling, or written expression?

No. An ARD committee will determine the SDI that is necessary for that student, regardless of the IDEA eligibility category with which the student is identified. This would include a student, for example, whose ARD committee determines that an evidence-based dyslexia program would be necessary to provide FAPE to a student who was receiving special education and related services but not identified specifically with dyslexia. However, an ARD committee cannot make these types of decisions in lieu of their Child Find responsibilities to identify students with any eligible disability or to avoid an evaluation, which is critical to the disability identification process and determination of necessary SDI.

5. Can PDIs 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, even if the PDI is not certified in special education.

6. What can parents/guardians do if they feel their child’s LEA is not adhering to state or federal requirements in relation to dyslexia screening, evaluation, identification, or instruction?

If parents/guardians feel their child’s LEA is not adhering to state or federal requirements, they can ask the school about the dispute resolution options offered to parents. Every LEA is required to have a grievance policy and procedures for parents. There may be instances when parents/guardians wish to file [complaints](#) with TEA. TEA offers four formal options for resolving special education disagreements: state IEP facilitation, mediation services, the special education complaint resolution process, and the due process hearing program. More information about special education dispute resolution [options](#) is available on the TEA [website](#).

7. What data do LEAs report regarding dyslexia?

There are several data elements that are important to students identified with dyslexia.

[TEC §48.009](#) requires LEAs to indicate the number of students who are identified as having dyslexia. This dyslexia indicator code is reported two times per year. The first response for an LEA is to answer with yes or no as to whether a student is identified with dyslexia or a related disorder. If the response is yes, a secondary data element is collected as to whether the student is receiving special education services or is receiving accommodations under Section 504.

The second data element is what is referred to as the dyslexia services code. This code is directly linked to the dyslexia indicator code and also prompts the dyslexia allotment eligibility under [TEC §48.103](#). This data is submitted in the summer. For purposes of the dyslexia allotment, both the dyslexia indicator code and the dyslexia services code apply the same way to a student who is identified with dysgraphia.

The dyslexia risk code is associated with [TEC §38.003](#), which refers to whether or not the universal screening required in kindergarten and grade 1 indicated that the student was at risk for dyslexia. Because there are required timelines to complete the screeners, if an LEA submits a code that indicates that a screener was not administered to a child, a subsequent exception reason must be collected. The acceptable exception reason codes are things such as a student withdrew before the screener was scheduled to be administered, a parent refused the screener, or an ARD committee determined that the screening was inappropriate or unnecessary. If an LEA uses an exception code that is not allowed, it will constitute noncompliance with the legal requirement to screen students for dyslexia in kindergarten and grade 1.

8. What does TEC §38.003(b-1) mean when it says a student, “...may not be rescreened or retested for dyslexia for the purpose of reassessing the student’s need for accommodations until the district reevaluates the information obtained from the previous screening or testing of the student?”

Students receiving special education and related services already have a required re-evaluation process, which must occur every three years. The first step in any re-evaluation is a REED. Therefore, a REED would already require the review of previous student information, thereby complying with the intent of [TEC §38.003\(b-1\)](#). In situations where a student is identified with dyslexia and is being served under a Section 504 accommodation plan, a Section 504 committee would not be able to reassess the student’s need for those accommodations without reviewing the student’s previous information around screening and evaluation for dyslexia.

9. How have the program intent codes (PICs) changed because of current state law and the Handbook?

The [Financial Accountability System Resource Guide \(FASRG\)](#) has been updated as a result of recent changes to state law and SBOE rule around dyslexia. Because LEAs must expend 100% of their dyslexia allotment on dyslexia-related expenses, it is also important to code expenses to the appropriate program intent codes (PICs). The FASRG maintains the PIC of 37, which is used for dyslexia-related screening, evaluation, and identification. The FASRG also maintains the PIC of 43, which is used for dyslexia-related expenses associated with students who are identified with dyslexia or a related disorder and receive special education services. Moving forward, then, expenses associated with anything up to the actual dyslexia instruction that is provided could be coded to PIC 37, and once SDI is provided, those expenses are coded to PIC 43.

10. Can a parent/guardian request a dyslexia evaluation at any time? Can an LEA require participation in some interventions before evaluating?

A parent/guardian has the right to request a special education evaluation at any time for their child. While parents/guardians sometimes ask for a “dyslexia” evaluation, it is the LEA’s responsibility to explain that this means a comprehensive special education evaluation that adheres to IDEA requirements. The LEA cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or a special education evaluation being conducted.

11. What happens if a parent/guardian presents the school with an outside evaluation that indicates dyslexia or a related disorder?

If a parent/guardian presents the school with an outside evaluation that indicates dyslexia or a related disorder, this may indicate the need for an evaluation. Multiple data sources must be considered, and the cumulative impact may rise to the level of suspecting a disability and need for special education services.

If the parent of a child receiving special education services obtains an IEE at the LEA’s expense or shares an evaluation obtained at private expense, the ARD committee must consider the results of that evaluation, if it meets the LEA’s criteria, when making decisions involving the provision of a FAPE to the child. The ARD committee must include an individual from the LEA who can interpret the instructional implications of evaluation results. While the ARD committee, including the parents, must consider the results of an IEE as explained above, the committee is not required by law to adopt the IEE provider’s recommendations or conclusions.

12. What if a parent/guardian disagrees with the school’s evaluation?

The parent/guardian has the right to obtain an independent educational evaluation (IEE) of their child if they disagree with the dyslexia evaluation of their child that was obtained by the school. When the parent asks for an IEE, the school must give the parent/guardian information about its evaluation criteria and where to get an IEE. A parent is not necessarily limited to the list provided by the LEA of where to get an IEE, but in order to obtain the evaluation at public expense, the evaluation and evaluator must meet the same criteria that the LEA uses to the extent the criteria is consistent with the parent’s right to an IEE. If the parent/guardian requests an IEE for their child at public expense, the school must, without unnecessary delay, either: (a) file a due process complaint to request a hearing to show that its evaluation of their child is appropriate; or (b) provide an IEE at public expense, unless the LEA demonstrates in a hearing that the IEE that the parent obtained did not meet the LEA’s criteria.

For an IEE to be paid at public expense, it must meet the same criteria that the LEA uses when evaluating for the same suspected disability, including the location of the evaluation and the qualifications of the examiner, to the extent those criteria are consistent with the parent’s right to an IEE. An evaluation must be administered by trained personnel and in conformance with instructions provided by the producer of evaluation materials. In the case of a suspicion of dyslexia, one of the qualified professionals required would be an LDT, a person with the most advanced dyslexia related certification as described in the Handbook, or a person with the required training that is listed in the Handbook.

LEAs should remember that an IEE paid at public expense cannot impose any criteria or requirements that creates a barrier for a family to obtain the information; this may include a practice of always having every family pay for an evaluation upfront with LEA reimbursement at a later date.

13. What if the LEA receives a request for a dyslexia evaluation from a private school student?

Because evaluating for dyslexia falls under an FIIE, LEAs must follow their required Child Find procedures in these instances. The LEA where the private school is located is responsible for conducting the FIIE. Note that if a parent requests the LEA of the student's residence to conduct an evaluation for purposes of making FAPE available to the student, that LEA must conduct an evaluation if it suspects that the child has a disability. Private schools in Texas include students who are homeschooled.

14. 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 a free appropriate public education (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 per 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/guardian (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 in placement. LEAs are encouraged to schedule 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.

15. When should assistive technology (AT) be considered for a student with dyslexia or a related disorder?

Part of an ARD committee's responsibility is to determine if AT is necessary for a child in order to provide a FAPE. That means that each time an ARD committee develops, reviews, or revises a student's IEP, the committee must consider whether the child requires AT devices or services.

When initially evaluating a student for dyslexia or a related disorder, the MDT might determine that a formal AT evaluation (referred to as a functional evaluation) is an appropriate AT service for purposes of the FIIE. However, whether or not a functional AT evaluation is part of the FIIE, the MDT should consider in the evaluation report potential AT services or devices that may benefit the student should the ARD committee determine that the student is eligible for special education and related services. When an ARD committee determines that AT devices and services are needed, those would be a part of the special education and related services and supplementary aids and services that are written into an IEP.

The U.S. Department of Education issued [guidance](#) in January 2024 about the myths and facts of AT that is helpful to review.

16. How does dyslexia instruction affect a student's instructional arrangement code?

Because dyslexia instruction is a special education service provided in a special education setting (assuming the child is pulled out of their general education setting to attend the dyslexia instruction), it will impact the student's instructional arrangement (IA) code. The ARD committee will follow the processes in the Student Attendance Accounting Handbook to determine the student's IA code.

17. What is an LEA's responsibility to evaluate or re-evaluate if a student is seeking to enroll in college, and the college is requiring an updated evaluation?

The LEA is not responsible for evaluating or re-evaluating for purposes of college admission. If the college the student is seeking enrollment in meets the definition of an institution of higher education under [TEC §61.003](#), state law at [TEC §51.9701](#) prohibits the institution from reassessing a student determined to have dyslexia for the purposes of assessing the student's need for accommodations until the institution re-evaluates the information obtained from previous assessments of the student.

Students receiving special education and related services who are graduating or exiting due to age must receive a summary of performance (SOP) when they leave. An SOP includes information about the student's current academic achievement, current functional performance, and the student's postsecondary goals. When completing this, the ARD committee will determine if a student's evaluation is current, and, if it is, is not required to complete another evaluation. If a student is graduating having taken one or more courses with modified curriculum, however, an evaluation must be included as part of the SOP.

18. Does a student need to be in a certain grade level before he or she is evaluated for dyslexia?

No. Data related to reading achievement and progress of all students should be continuously monitored and reviewed. Data collection and analysis in young children is very often done by observation to determine if a student is demonstrating unexpected poor performance in reading and spelling despite high quality reading instruction.

19. Must each campus offer dyslexia instruction?

Because dyslexia instruction is SDI, placement and location of those services will be an ARD committee decision, made in accordance with federal requirements around least restrictive environment.

This FAQ is informational only and not intended as, nor should it be considered as, providing legal advice. For legal advice on specific implementation issues, please consult an attorney.