

ECTOR INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: DYSLEXIA SERVICES

ECTOR County Independent School District Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of ECTOR County Independent School, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Ector County Independent School District *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on Ector County Independent School District website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Ector County Independent School District’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Ector County Independent School District will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Ector County Independent School District into compliance with the requirements of IDEA. Ector County Independent School District maintains systems to ensure that all students with disabilities residing in the district, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Ector County Independent School District maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

What steps does the District take prior to an initial evaluation to ensure students are identified and evaluated for special education appropriately and in a timely manner?

Prior to referral for a full individual and initial evaluation, students experiencing difficulty in the general classroom should be considered for response to evidence-based intervention and other academic or behavior support services. “If the student continues to experience difficulty in the general classroom after the provision of interventions, District personnel must refer the student for a full individual and initial evaluation.”¹ Notwithstanding this provision, these general education or response to intervention strategies will not be used to delay or deny the provision of an evaluation.²

PRACTICE GUIDE—Teachers who provide instruction to students may be trained concerning the District’s referral process and informed concerning the research-based interventions available in the District. Communication between general education teachers and campus staff who attend the MTSS meeting, concerning the interventions used and the results of those interventions should occur regularly.

¹ 19 TEX. ADMIN. CODE § 89.1011(a).

² *Lisa M. v. Leander Indep. Sch. Dist.*, 924 F.3d 205, 209 n.4 (5th Cir. 2019); *Spring Branch Independent School District v. O.W. by Hannah W.*, 961 F.3d 781(5th Cir. June 12, 2020)

If parental or guardian consent is obtained for an evaluation, the District will consider and document the provision of any steps taken concurrently with the special education referral or evaluation process to address the academic or behavioral needs of the student giving rise to the referral. These steps may include the following—

- If a campus receives an initial referral for a student who is not currently receiving **evidence-based general education interventions or Multi-Tiered Systems of Support (MTSS)** available to all students, a designated campus administrator should promptly convene a meeting with the parent or guardian, student (as appropriate), and at least one of the student’s general education teachers (preferably from one or more of the areas of academic and/or behavioral concern). The meeting’s purpose will be to develop a plan of evidence-based general education interventions or MTSS. This meeting may not be used to delay or deny an evaluation.
 - If the student has been receiving evidence-based general education intervention or MTSS, the MTSS designee or designated campus administrator should promptly convene a meeting with the parent or guardian, student (as appropriate), and at least one of the student’s general education teachers (preferably from one or more of the areas of academic and/or behavioral concern) to review and revise the student’s current interventions and general education services plan, as appropriate. Such meetings should recur at regular, reasonable intervals throughout the pendency of the referral and/or evaluation process.
- IDEA does not prohibit a local campus within the District from “**screening**” a student to collect data that may be considered when determining whether the student is suspected of having a disability. Parental consent is not required before a campus-based committee reviews existing data as part of the special education referral process. Likewise, parental permission is not required before administering screenings or other assessments that are administered to all students generally without the requirement of parental consent. Written notice will be provided to parents of the scheduled screening or assessment; however, a campus will not use screening procedures to delay or deny the provision of a full individual and initial evaluation.³
- Students suspected of having a disability under Section 504 should be referred for an evaluation by a **Campus Section 504 Committee** and, if needed, the development by that Committee of an accommodation plan under Section 504. These referrals should be directed to the student’s Campus Section 504 Coordinator. If a student’s Section 504 Committee determines that the student has a disability that may require specialized instruction to make progress in the general curriculum, or if the student continues to experience difficulty in the general education classroom even with the supports specified in a 504 accommodation plan, the Section 504 Committee should refer the student to the Director of Special Education or designee to determine whether a full individual and initial evaluation is appropriate under the circumstances.

³ *Letter to Mills* (OSEP 05/02/19).

- For students who transfer to the District from a residential facility or other private school, the assigned building diagnostician should obtain written consent from the student’s parent or guardian to communicate with and request records from the residential facility or other private school and convene a meeting to discuss whether a referral for special education and related services is appropriate.

PRACTICE GUIDE—Review enrollment records to determine whether the student previously accessed special education and related services while in attendance at a public school.

- Students suspected to have **dyslexia and related disorders** should be referred for an initial evaluation for special education and related services in accordance with TEA’s *The Dyslexia Handbook* (2021 Update)⁴ and the Texas Education Agency’s “FAQs: Dyslexia Evaluation, Identification and Instruction—House Bill 3928”⁵.

PRACTICE GUIDE—If the results of reading instruments administered by general education teachers (to students in kindergarten through 2nd Grade) indicate a risk for dyslexia or other reading difficulties, the results may be shared with the student’s evaluation team for referral consideration.⁸

How does the District notify parents of services and options available to eligible students with dyslexia under IDEA and Section 504?

Ector County Independent School District notifies parents of services and options available to eligible students with dyslexia including general education interventions under response to intervention and multi-tiered systems of support models.⁶ This notice also explains that evidence-based dyslexia programs that are aligned with all instructional methods and components for dyslexia instruction as described by *The Dyslexia Handbook* (sometimes called “Standard Protocol Dyslexia Instruction”) are considered specially designed instruction and are only available under IDEA. Building Principal ensures that the Ector County Independent School District Parent Student Handbook that is provided to every enrolled student’s family includes written information regarding IDEA’s Child Find and free appropriate public education (FAPE) requirements as well as the options and requirements for helping students who have learning difficulties or who need, or may need, special education services.

Ector County Independent School District also provides a parent education program for parents/guardians of students with dyslexia and related disorders.⁷ The Executive Director of Special Services or designee ensures that the program includes:

- Information related to awareness and characteristics of dyslexia and related disorders;

⁴ TEA’s *The Dyslexia Handbook* (2021 Update) is available at <https://tea.texas.gov/academics/dyslexia/>.

⁵ TEA’s “FAQs: Dyslexia Evaluation, Identification and Instruction—House Bill 3928” is available at <https://tea.texas.gov/academics/special-student-populations/special-education/hb-3928-faqs.pdf>

⁶ Tex. Ed. Code § 26.0081(d); 19 TEX. ADMIN. CODE. § 74.28(h)

⁷ 19 TEX. ADMIN. CODE § 74.28(l)

- information on testing and diagnosis of dyslexia and related disorders;
- information on effective strategies for teaching students with dyslexia and related disorders;
- information on qualifications of those delivering services to students with dyslexia and related disorders;
- awareness of information on accommodations and modifications, especially those allowed for standardized testing;
- information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act §504, including the differences between services available under IDEA and Section 504, and information on the response to intervention process; and
- contact information for the relevant regional and/or school specialists.

Additional notification is provided by Building Principal in English or the parent’s native language, when practicable, when a student begins to receive the assistance for that school year. This written notification includes:

- A description of the assistance that may be provided to the student, including any intervention strategies that may be used;
- the information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the student;
- an estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided; and
- the estimated time frames within which a report on the student’s progress with the assistance, including any intervention strategies used, will be provided to the parent.

Finally, information concerning services available under IDEA is provided to parents through the “Parent’s Guide to the Admission, Review, and Dismissal Process” prior to a student’s first ARD committee meeting by building diagnostician and upon parent request.

How is the District supporting students who currently receive an evidence-based dyslexia program through an accommodation plan under Section 504?

For students receiving evidence-based dyslexia programs under Section 504, by the end of the 2024-25 school year, Section 504 committees will meet to discuss each student’s continued need for an evidence-based dyslexia program.⁸ Each 504 committee will determine whether the student continues to require an evidence-based dyslexia program. If so, the District must refer the student for an FIIE. In these cases, the student will continue to receive instruction through an evidence-based dyslexia program while awaiting parental consent for the FIIE, its completion, and the subsequent eligibility determination.

⁸ TEA’s “FAQs: Dyslexia Evaluation, Identification and Instruction—House Bill 3928” is available at <https://tea.texas.gov/academics/special-student-populations/special-education/hb-3928-faqs.pdf>

Demonstrations of this procedure's implementation may include, but are not limited to, examples such as:

- Training material
- Parent education program
- Multi-Tiered Systems of Support or Response to Intervention Data
- Student specific data collection and monitoring, including screening results
- Databases