

**Response to Request for Information  
86<sup>th</sup> Legislature  
House of Representatives  
Public Education Committee  
Interim Charge No. 3: Special Education  
September 30, 2020**

TO: House Public Education Committee

FROM: Decoding Dyslexia Texas

**INTERIM CHARGE NUMBER 3**

TEA has not fulfilled its corrective action duty in regards to dyslexia - which was specifically called out over 33 times in the corrective action. At this point, with Decoding Dyslexia Texas's ongoing involvement through years trying to support corrections with the TEA, including participation on the Texas Dyslexia Handbook Committee, participation on TEA Special Education Advisory Committee, testifying at SBOE meetings and individual actions working to bring respectful solutions, we consider TEA ongoing refusal to make clear the differences between IDEA, 504, RTI and State Dyslexia programs a purposeful distraction that may cost our state funds, negative student outcomes, lost student potential and putting families of dyslexic students under ongoing financial strain. All students with disabilities should have interventions that meet their needs and No family should have to pay for private dyslexia services unless they chose to do so. No family should feel forced to remove their child from public school due to sporadic, inadequate services that are not easily enforceable under 504 or be bumped out of Standard Dyslexia Protocol at will of the campus because 504 has no mandated parent involvement as would be the case if needed dyslexia interventions were in an IEP under IDEA law.

Even after the Corrective Action Response, 504 is still being used by school districts in Texas, in part, to circumvent parents from accessing the IDEA process and fully understanding their parent and student rights that come along with an IEP. The Dyslexia Handbook Updated is still misaligned with federal IDEA law.

TEA is far from making clear, parents rights, to understand safeguards under the IDEA. Worse yet, TEA continues to put out half truths about federal laws when they mention Dyslexia - TEA does this with the full intent of clouding clear information about IDEA to confuse parents and dissuade them from understanding and fully exercising their substantial rights under IDEA for which they are as equally entitled as any other qualifying disability who may need instruction to meet their students needs.

*We would like to see a full review and revamp of TEA, SBOE and ESC Dyslexia guidance documents including SPEDTEX and the Texas Dyslexia Handbook. State dyslexia laws should be amended to make clear that the Commissioner of Education can make any changes necessary to ANY SBOE, TEA, ESC or SPEDTEX documents or policy that pertain to federal education law to ensure that documents do not conflict with federal laws - specifically, the Texas Legislature should amend dyslexia law to ensure that the parts of the Texas Dyslexia Handbook policy which relate to 504 or IDEA is the TEA's authority to revise and be accountable too. This is to untangle the web of deflecting outdated and possibly illegal 504 dyslexia policy from the TEA to the SBOE. If the TEA accepts federal funds the TEA is responsible to supervise, not the SBOE.*

An independent committee - which has parent legal representation, needs to reshape policy documents around Dyslexia / IDEA / 504 and RTI/MTSS. Included are just a few examples of many confusing documents TEA has put out or allowed in it's supervisory duty:

The New Child Find Document produced by TEA has inserted a Dyslexia clause to singly remove IDEA Child Find process considerations for only dyslexia by giving 504 and Gen Ed first as options for Dyslexia but not for any other disability group.

Additionally, in TEA presentation Webinar Program Guidance Dyslexia, February 2020 TEA staff leave out half of the SLD definition under IDEA - purposefully, because the key part of the SLD definition they leave out specifically lists Dyslexia. When talking about dyslexia and referencing IDEA they leave out half of IDEA SLD definition.



## IDEA: Specific Learning Disabilities

According to IDEA, the term *specific learning disability* (SLD) refers to “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations” (20 U.S.C. § 1401 (30)).

SLDs may co-occur with executive function disorders (including attention deficit-hyperactivity disorder), speech-language impairments, or processing speed difficulties.

### SLD areas:

- Oral expression
- Listening comprehension
- Basic reading skills
- Reading fluency
- Reading comprehension
- Written expression
- Math calculation
- Math problem solving

Important to Dyslexia within 20 USC 1401(30) (B) which they leave out states this:

### The complete IDEA definition of SLD is as follows

#### (30) Specific learning disability

##### (A) In general

The term “**specific learning disability**” means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

##### (B) Disorders included

Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, **dyslexia**, and developmental aphasia.



# IDEA

Individuals with Disabilities Education Act

[Home](#)[About](#)[Law and Policy](#)[Reports](#)[Grants and Funding](#)

## Section 1401 (30) (B)

[Statute/Regs Main](#) » [Statute](#) » [Subchapter I \(Part A\)](#) » [1401](#) » [30](#) » B

### (B) Disorders included

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*Last modified on November 7, 2019*

Why does TEA continue to leave out of presentations important info? - to confuse everyone and dissuade parents from understanding their rights.

**Just prior to COVID our Decoding Dyslexia Texas Family survey (February 20200 ) reveals, there was Confusion Prior to 2018 updated Texas Dyslexia Handbook on Dyslexia and IDEA:**

**Alarmingly, Confusion Grows After 2018 The Texas Dyslexia Handbook Updates:**

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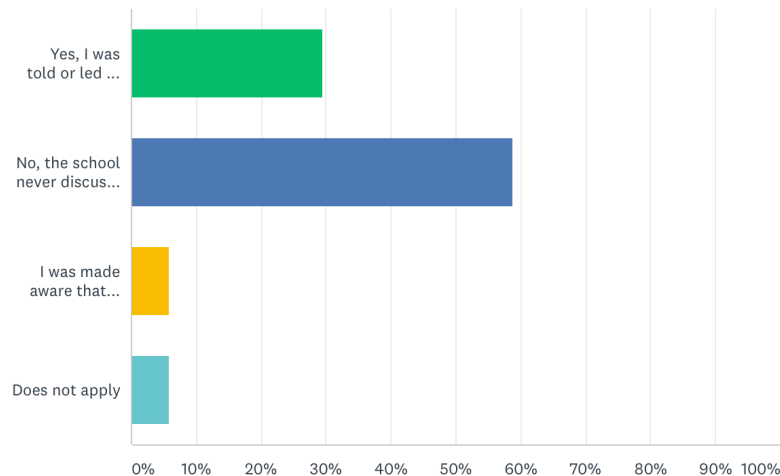


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Were you ever told or led to believe that you would get Dyslexia interventions under 504 but they would not be available if you chose to evaluate under IDEA?

Answered: 17 Skipped: 0



ANSWER CHOICES

RESPONSES

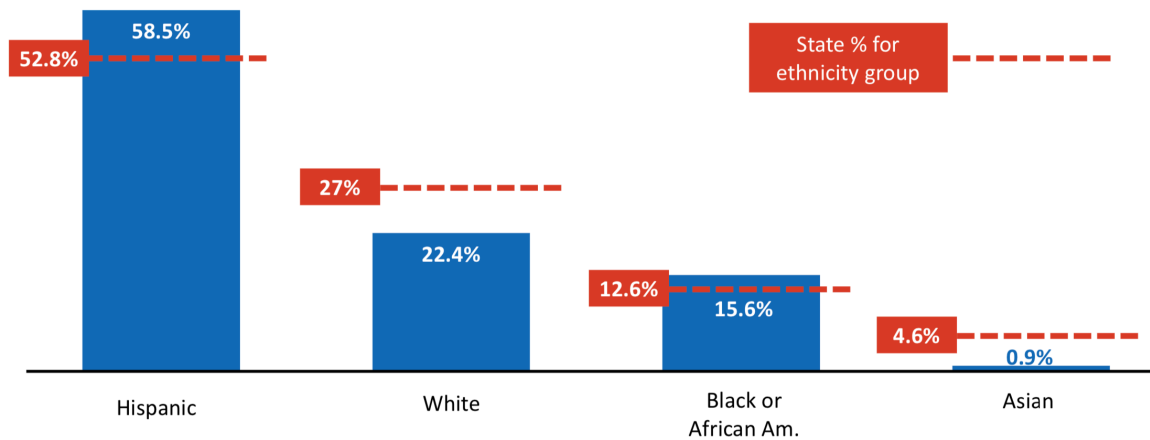
▼ Yes, I was told or led to believe that Dyslexia interventions under 504 are NOT available if I chose an IEP under IDEA	29.41%	5
▼ No, the school never discussed the IEP as an option - we only talked about 504 plans for Dyslexia.	58.82%	10
▼ I was made aware that Dyslexia services were available under both IDEA and 504	5.88%	1
▼ Does not apply	5.88%	1

Beyond what our February 2020 survey says (we are happy to share full results with you) The National average of students under IDEA and in the SLD category (which includes dyslexia) is 40%, in Texas today it is at 31% and in Texas the identification is all over the place based on race as you can see in the TEA presentation below.



Justin Porter Ed.D.

## Learning Disabilities



TEA | TCASE Interactive 2020

19

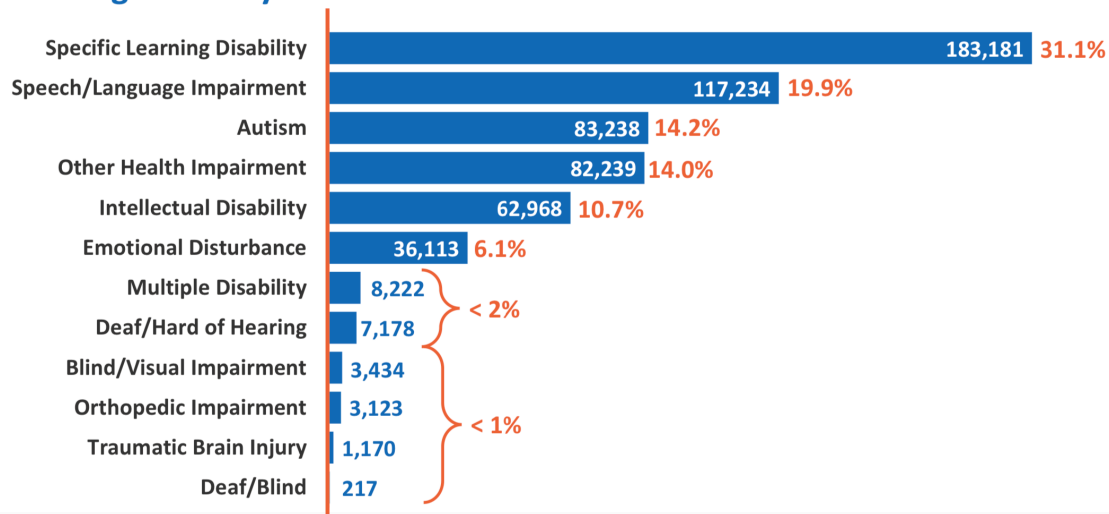
2015-16 to 2017-18 SY



TEA | TCASE Interactive 2020

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## Almost one-third of students with disabilities are students with a specific learning disability.



There is so much purposeful confusion about Dyslexia coming out of TEA and included in the Texas Dyslexia Handbook about SLD and Dyslexia resulting in many parents not exercising or understanding parents rights under IDEA or 504, being dissuaded from the process to be a part of the determination of whether or not their child should have an IEP or not. It is squarely with in the IDEA that initial eligibility decisions are ARD decisions and ARD's should

be determining disability needs, not schools skipping IDEA going straight to a 504 process with does not have to include parents when Dyslexia is mentioned.

**It is our recommendation that a group, which includes Parent SPED attorneys, Regional Parent Dyslexia Advocates, Decoding Dyslexia Texas Advocates and the TEA along with other stake holders meet to review and revise policy surrounding Dyslexia eligibly and IDEA in our state.**

Dyslexia is no different than any other disability listed in the IDEA. Saying the term dyslexia in Texas, should not deflect parents to 504 processes unless they fully understand what rights they are giving up by accepting 504 plans where they have minimal to no substantial rights to collaborate with their school to support good outcomes for their child and have less recourse for compensatory or other benefits IDEA would give them. No parent should be forced to pay for private dyslexia services when the obligation is on the LEA to provide FAPE under IDEA and the TEA to honestly ensure Dyslexic families are part of it's IDEA Child Find duties, to establish eligibility under the IDEA prior a school deciding to try 504 - thus denying parents rights to participate equally.

We hope Dyslexia policy changes and look forward to answering any questions as we remain committed to Dyslexic families having enough information to make informed decisions that they feel best meets their families needs. Please reach out any time on this issue

Robbi Cooper  
Decoding Dyslexia Texas