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Sept 25, 2020

House of Representatives  
Public Education Committee  
Topic: Interim Charge 3

To Rep. Dan Huberty and Education Committee Members:

Thank you for the time and consideration of your committee to monitor the progress of the TEA's compliance with the Corrective Action Response required by the US Department of Education. I am writing of my concern that TEA continues to fail children with dyslexia. We have seen NO significant change in the practices of the Special Education Department leadership and administration to improve or change services for children with disabilities in Round Rock ISD.

I am including below an email that I sent to multiple staff members of the TEA. This includes Justin Porter, Executive Director Special Populations Division, Susie Coutress, Director of Special Populations Monitoring Team Contacts and multiple staff members engaged in the enforcement of Special Education services and the Strategic Action Plan. This letter details the attempts made by an organized group of parents, The Round Rock Dyslexia Group, to beg for attention from the TEA to help improve services in our district.

Date: Mon, Jun 1, 2020 at 6:49 AM

Subject: Round Rock ISD continues to deny students with dyslexia Special Education.

To: <[justin.porter@tea.texas.org](mailto:justin.porter@tea.texas.org)>, <[susie.coutress@tea.texas.gov](mailto:susie.coutress@tea.texas.gov)>, <[denise.magallanez@tea.texas.gov](mailto:denise.magallanez@tea.texas.gov)>, <[ramonda.olaloye@tea.texas.gov](mailto:ramonda.olaloye@tea.texas.gov)>

Cc: <[keith.swink@tea.texas.gov](mailto:keith.swink@tea.texas.gov)>

I am writing to you today as a member of a local parent group in Round Rock, Texas representing the families of students with dyslexia who are being served in Round Rock ISD. We came together due to our individual difficulty getting the needs of our children met in this district. We have had multiple issues of inequity of services being provided to this group of students including systematic denial from Special Education, lack of early identification through dyslexia screening (child find), and the lack of fidelity of intervention of services for these children resulting in failure to provide FAPE for these students. Over the last year and a half we have had 2 meetings allowed to us with district administrators to hear our concerns, but ultimately they denied that our concerns were valid and instead continue to treat us as a small group of disgruntled parents. We have spent a year attempting to sway our local school board to meet the educational needs of these students by forming a Dyslexia Advisory Committee that would allow parents and staff to work together to improve dyslexia programs and services without any progress. Included in this effort we completed an open records request to find data that would support our anecdotal experiences that improvement of services is needed.

In Feb of 2020 with no progress being made through our local efforts, we turned our efforts to a campaign to create group complaints through the Texas Education Agency using our data from open records requests to substantiate the issues we were experiencing. We learned very quickly that through the SPED complaint process, TEA could not help us either. Over and over we were redirected that TEA could not investigate our concerns. Unfortunately, we are not legal experts and were not able to convey our concerns in the correct legal terms or honestly, maybe this isn't the correct way to bring the systematic issues we are facing to the attention of the TEA. We provided complaints based on this data from our district from 2018-19 school year which stated:

- One elementary school in our district reported that they failed to complete required dyslexia screening for K and 1st graders

- One elementary school completed the screening and found zero children at risk for dyslexia.
- One elementary school stated that 99.7% of students shown to be at risk for dyslexia were not further evaluated
- Written letters from multiple principals stating they do not have a program to provide a intervention program to students with dyslexia which meets the guidelines of the Texas Dyslexia Handbook.
- Responses from all schools showing that 96% of all dyslexia students in the Wilson Reading System do not receive this program with fidelity. Students are exited at Unit 6, halfway through the program.
- Written response from one school stating, "we do not test/screen for dyslexia"
- A statement from the lead LSSP in our district stating, "We have 13 areas that TEA designated, that we're able qualifying a student for Special Education, and right now TEA does not list dyslexia specifically in and of itself as an area of eligibility"
- FIEs stating prior to an ARD meeting that children are disqualified from SPED services because they have dyslexia that is not determined to be a Specific Learning Disability.

Our most pressing concern is that children in RRISD and their families continue to be denied access to and are not provided knowledge of SPED services for dyslexia because of RRISD's unwavering adherence that these students are to be served under 504 only. RRISD created a their own guidebook and uploaded it to the district web page on 5/20/20, <https://sites.google.com/roundrockisd.org/rrisd-dyslexiaguidebook>. It references page 35 of the Texas Dyslexia Handbook stating "When the Data Leads ONLY to a Suspicion of Dyslexia or a Related Disorder children are to be served under 504. If the data leads to the suspicion of a disability and that special education services are necessary to provide specially designed instruction, the team must refer the student for an evaluation under IDEA."

In reading page 35 of the Texas Dyslexia Handbook it does not use this exact language. Instead it states, "Based on data, the team suspects the student has a disability - obtain parent consent - **Evaluate** under Section 504" or "Based on data the team suspects the student has a disability and a need for special education services as a result of this disability. - obtain parent consent - **Evaluate** under IDEA." After the Federal investigation of TEA in 2017 one of the main findings was that Section 504 related aides and services were used to delay or deny the identification and evaluation of children suspected of having a disability needing special education under IDEA, yet nothing in our district has changed.

What RRISD has consistently done is to claim that dyslexia is not a disability but that only sometimes in specific cases it may be considered a Specific Learning Disability. What would constitute when dyslexia is a disability is completely unclear. This also goes against guidance letters from the TEA (6/6/18) which states, "In determining appropriate provision of services, the school team, including the parents, should consider the impact a student's reading difficulties have on access to and participate in the general curriculum". And goes against TEA's latest fact sheet on dyslexia which states, "Your children are legally entitled to receive individualized services and supports. State and federal law require schools to have specific procedures in place to identify, locate, and evaluate students with, or suspected of having, dyslexia. Dyslexia is a learning disability that may require special education services."

The Texas Dyslexia Handbook, continues to give schools a choice that they do not have to "suspect" children with dyslexia actually have a disability, that all children with dyslexia can be served with "Standard Dyslexia Instruction" instead. This is a failure to address the individual needs of these students and parents are denied the right to seek an IEP for their dyslexic student. Outside of the IDEA the individual needs of a child with dyslexia are not discussed with a team or with the parent who is minimally or never involved in the process. In Round Rock, under 504 the dyslexia evaluation team (which does not include a LSSP or diagnostician) makes the determination for qualification of dyslexia services without the teacher, school administrator or parent present and forwards this final determination in writing to the 504 committee. The 504 process does not give parents rights to participate in critical decisions and more importantly to hold schools accountable to ensure their students needs are met. This is simply unfair, Parents are critical to their students success and IEP's and SPED ensure that parents are meaningfully included.

These same practices are present in Full Independent Evaluations. Prior to the ARD meeting the LSSPs are making the determination in writing that the child has dyslexia but it is not a Specific Learning Disability and redirecting the process to 504. In a complaint we sent to TEA on this issue we informed them of a specific case where a parent was told over the phone that their child did not qualify for SPED. An ARD was not held but the parent was redirected to a 504 instead. We provided the FIE where in writing it stated that the child does have dyslexia but does not qualify for special ed because the child's dyslexia was determined to not be a Specific Learning Disability. The needs of the child were never discussed by the team including the parent at an ARD meeting. This is common practice that continues in our district even after the 2017 Federal Investigation. We asked TEA to investigate this issue of predetermination and TEA's response was to not investigate because they determined "that the parent did not fully understand the process" and was not a systemic issue. We stand by that the systemic issue is that the district IS NOT following the correct process outlined in the Procedural Safeguards and does not see students with dyslexia as children with a qualifying condition for Special Education.

Since the Federal Investigation in 2017 RRISD has made little to no change in increasing the number of students identified for Special education. RRISD currently has 10.28% of students in SPED which is below the state average of 10.70%. It has only increased by 1% over the last 4 years and is the lowest in our area where most districts are identifying 12-13% of students as needing SPED services. RRISD has only increased the number of students identified with dyslexia from 4.19% to 4.43% since the dyslexia screener was put into place adding only 146 new students identified with dyslexia.

We are hoping to reach out to you, the leaders, monitors, reviewing and supporting the SPED Strategic Action Plan to reassess Special Education services in Round Rock ISD. We have worked endlessly at many levels to make change happen here in this large school district with no success. Children with dyslexia are continued to be denied rights and protections under IDEA which allows no recourse for parents to get their children the help they need to be successful in school. They are screened but not further evaluated, they are allowed to be served under 504 without proper evaluation or discussion of their individual needs, they are given interventions without fidelity or individualized progress measures. Without TEA intervention RRISD will continue to fail our children.

Thank you for hearing our concerns regarding this all important matter. I appreciate your time and consideration. If you are interested in seeing my data collected from open records requests made through RRISD please contact me.

Sincerely,

Heidi Goldman  
Round Rock Dyslexia Group

I never received a response from the TEA regarding this email. We still have no significant change in the practices of RRISD. They continue to deny a specific class of students their rights from federal law under IDEA. RRISD is not looking to identify children who may have been denied special education services in the past. They continue to claim there is no wrong doing in their practices and continue to deny these same students to this day. They fail to track or monitor its identification and services provided to children with dyslexia so that there is no data to analyze. This information was only provided by each individual campus to me when I made an open records request. No private citizen should have to pay to receive this information, and spend the time tallying this information into a spreadsheet to then provide back to the district. What this data shows is that the dyslexia screener did not result in increased early identification of students with dyslexia, and that 96% of all students in the dyslexia intervention provided received at most only the first half of the program. RRISD has not expanded the number of students served under special education and they have not increased the staff or budget even after HB3 was passed to help fund, expand, or improve these services.

If TEA is actively working to correct Special Education services in Texas it is not transparent or evident for the children and families fighting for help in Round Rock ISD.

Thank you again for your time and consideration of this all important matter to my family and community.

Sincerely,

Heidi Goldman