

**ENTERING TO LEARN:  
STUDENTS WITH DYSLEXIA  
AND THEIR EDUCATION IN HIGHLAND PARK ISD**

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## Purpose

To identify current areas for improvement within Highland Park Independent School District (HPISD) services to students with dyslexia and collaboratively identify strategies to align HPISD processes and policy to documented state and federal guidelines using best practices and guidance from experts across the state and country.

## Background

In October 2019, Highland Park Independent School District conducted two surveys of parents of students with dyslexia. The first of these surveys targeted the parents of children who were being educated at schools *within* the school district and sought, broadly, to ascertain (1) what dyslexia services the children of these parents were receiving or had received, and (2) how these dyslexia services were succeeding and how they might be improved. The second survey sought substantially similar information, but instead targeted HPISD parents who had turned *outside* the public school system to seek an appropriate education for their children with dyslexia.

HPISD parents of students with dyslexia praise this effort to identify the successes, shortcomings, and potential improvements in the district's education of students with dyslexia. Parents also hope to build upon this effort. As set forth in greater detail below, HPISD parents of students with dyslexia seek to collaborate with the district to ensure that all HPISD schools fully comply with both state and federal education laws, not only in protecting the rights of HPISD students with dyslexia, but also in fully supporting those students' educational needs.

## Dyslexia in HPISD: Overarching Concerns

This report provides context and data surrounding some of the mutual concerns that parents share about dyslexia services in HPISD, including:

### Reading Instruction

- 23% of all HPISD 3rd-grade students failed to meet grade-level standards on STAAR 2019 reading assessment
- Core reading instruction and first-line intervention for struggling readers are not designed to benefit students with dyslexia

### Identification Process

- Leads to under-identification of students with dyslexia
- Delays identification until mid-elementary school

- Denies students with suspected disabilities access to Full and Individualized Evaluation (FIE)

**Instructional Interventions**

- Not individualized to student instructional needs
- Full dyslexia intervention not provided prior to 2nd grade
- Access to a single dyslexia curriculum, Take Flight
- Take Flight not implemented as designed
- No exit criteria consistent with initial data used to identify dyslexia; student exits intervention solely based on completion of the program

**Accommodations**

- Limited options for accommodations
- Not implemented consistently according to documented Individualized Education Plans (IEPs) and 504 plans

**Resources**

- Limited staff trained to support dyslexic students via 504 and IEP both during and after Take Flight

**Federal and State Compliance**

- Inconsistent adherence to state/federal guidelines re: Child Find
- Not aligned to Texas Dyslexia Handbook

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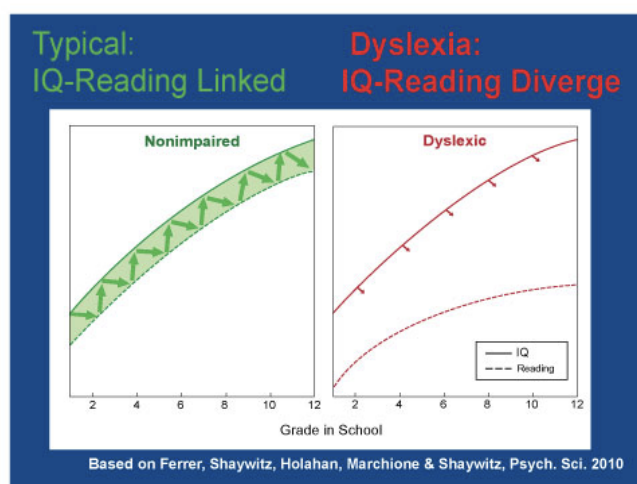
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# THE EDUCATIONAL NEEDS OF STUDENTS WITH DYSLEXIA

The International Dyslexia Association defines “dyslexia” in the following way:

“Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.”<sup>1</sup>

**Nationally, one in 5 students have learning and attention issues.**<sup>2</sup> This includes students with dyslexia, dysgraphia, ADHD, or related disorders that impact learning. Many dyslexic students are perceived as less intelligent than their peers because of their difficulty with reading. However, empirical evidence shows that the direct relationship existing between IQ and reading ability for typical readers does not correlate in the same way for dyslexic readers.<sup>3</sup> (See Figure 1)



**Figure 1:** Divergence between IQ and reading ability in dyslexic individuals, in contrast to the close link between IQ and reading ability in typical readers. Source: 2010 *Psychological Science* journal article by researchers at Yale School of Medicine and University of California-Davis.

Not only do most students with dyslexia have vast academic potential, but failing to appropriately remediate and accommodate these students’ learning disabilities carries considerable risks not only for the students themselves, but also for society as a whole. When intelligent, hard-working, motivated students with dyslexia are not given evidence-based intervention proven effective to teach them necessary academic skills, the strengths and potential of millions of students across the nation goes untapped. Unfortunately, although these students typically have average or above average intelligence, the majority perform below grade level in school.<sup>4</sup>

Students with unaddressed learning differences “often face lifelong challenges, frustration, and failure as they are . . . less likely to graduate high school, enroll in and complete college, and hold a job compared to their peers. Schools and districts will continuously seek goals for student achievement and development

that are beyond reach if the learning needs of the '1 in 5' go unmet. And our workplaces, communities, and . . . society will lose out on valuable talent that hasn't been recognized nor nurtured."<sup>5</sup>

On the other hand, the interventions needed to teach a child with dyslexia to read have been well-documented in scientific literature for decades. Implementing such evidence-based reading interventions is merely one example of how educators can employ proven, evidence-based tools to enable dyslexic students to grow into independent, successful members of society. A few of the many noteworthy people with dyslexia include Virgin founder Richard Branson,<sup>6</sup> CNN Founder Ted Turner,<sup>7</sup> investing guru Charles Schwab,<sup>8</sup> Nobel Peace Prize winner in Chemistry Jacques Dubochet,<sup>9</sup> authors F. Scott Fitzgerald and John Irving,<sup>10</sup> trial and appellate lawyer David Boies<sup>11</sup> (of *US v. Microsoft* and *Bush v. Gore* fame), and three of the "sharks" on the popular *Shark Tank* TV show (Kevin O'Leary, Barbara Corcoran & Daymond John).<sup>12 13</sup>

## **LAWS THAT GOVERN THE EDUCATION OF STUDENTS WITH DISABILITIES**

Historically, Texas has served students with dyslexia through accommodation plans governed by Section 504 of the Rehabilitation Act of 1973 (Section 504).<sup>14</sup> "Section 504 regulations require a school district to provide a 'free appropriate public education' (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met."<sup>15</sup> "Disability" is defined as "a physical or mental impairment that substantially limits one or more major life activities."<sup>16</sup> Students with dyslexia have been routinely included among those individuals properly accorded protection under this civil rights statute, even though dyslexia is not *expressly* named as a covered "mental impairment."

By contrast, **dyslexia is specifically named as a Specific Learning Difference (SLD) in the Individuals with Disabilities Education Act (IDEA)**, a federal statute specifically designed to protect the rights of public school students with regard to their *education*. The legal mandate known as "Child Find," a mandate specifically directed toward school districts, is also incorporated within IDEA.<sup>17</sup> "Child Find requires all school districts to identify, locate and evaluate all children with disabilities, regardless of the severity of their disabilities. This obligation to identify all children who may need special education services exists even if the school is not providing special education services to the child."<sup>18</sup> Because of the education-specific aims of IDEA, other states besides Texas both initiate the evaluation process and subsequently deliver specialized instruction and services for students with dyslexia under IDEA, rather than under Section 504.<sup>19</sup>

In sum, this is one of the biggest challenges that Texas faces with regard to serving students with dyslexia through Section 504 plans: Section 504, the vehicle through which the state has chosen to serve these students, does not perfectly "fit" the public education setting because it was not designed for that specific purpose. Thus, unlike IDEA, Section 504 has no provisions to oversee the effectiveness of dyslexia intervention provided to students or the ability to provide individualized support for other co-occurring disabilities that impact 60% - 85% of dyslexic students.<sup>20 21</sup> On the other hand, states that choose to serve students with learning disabilities, including dyslexia, through IDEA do not face these inherent challenges in designing the most appropriate educational support for these students. IDEA *is* designed to govern the provision of individualized instruction and support, also known as "special education," to students with disabilities. IDEA provides students with disabilities the protections specifically tied to the school setting, including placing a priority on keeping students together with their



non-disabled peers as much as possible. Thus, special education provided through IDEA is a “service,” not a “place.” See Appendix A for further information about disability laws that impact public education.

## SHORTCOMINGS IN THE EDUCATION OF STUDENTS WITH DYSLEXIA IN TEXAS

Texas’ approach to identifying and remediating learning disabilities, including dyslexia, is currently the subject of scrutiny by the U.S. Department of Education and education researchers.

### **Texas’ Illegal 8.5% Cap on Special Education Enrollment**

In 2016, *The Houston Chronicle’s* “Denied” series exposed **Texas’ illegal 8.5% cap – implemented in 2004 – on special education enrollment.**<sup>22</sup> The cap officially ended only after the U.S. Department of Education began investigating the matter in 2017. Currently, the Texas Education Agency (TEA) is under a federal Corrective Action Plan issued by the U.S. Department of Education in January 2018 to address the state’s violation of federal disability law.<sup>23 24</sup> A review of HPISD’s data (detailed below) mirrors what was found at the state level in the following citations:<sup>25</sup>

**Citation 1** - TEA failed to ensure that **all children with disabilities** residing in the State who are in need of special education and related services were **identified, located, and evaluated, regardless of the severity of their disability**<sup>26</sup>

**Citation 2** - TEA failed to ensure that **FAPE (Free and Appropriate Education) was made available to all children with disabilities** residing in the State in Texas<sup>27</sup>

In May 2019, the Texas legislature **spent \$223 million in state funds to pay a penalty from the federal government for illegally decreasing spending on special education** in recent years. The \$223 million represents nearly 25% of Texas’ annual federal special education grant. The state’s lawyers argued that Texas decreased spending on students with disabilities during this time frame because those students ostensibly did not need services that were as costly as in previous years. However, the United States Court of Appeals for the Fifth Circuit<sup>28</sup> flatly rejected that argument.<sup>29 30</sup>

### **Impact of the 8.5% Cap**

In October 2019, university researchers at UC Davis and Cornell published a scientific study documenting the illegal cap’s profound impact on the futures of students with disabilities.<sup>31</sup> These researchers found that eligible students with ‘mild’ disabilities (such as dyslexia) were most likely never to attain special education eligibility and/or most likely to have special education support removed. The result? **Students with ‘minor’ disabilities who were not served via IDEA were 52% less likely to graduate from high school and 38% less likely to enroll in college.** These statistics strongly suggest that the future career prospects and financial opportunities for these students will drastically decline as well.

The UC Davis/ Cornell study’s co-author notes that these learning disabled students do not appear to be quite as negatively impacted by the lack of special education support when their parents have the ability to mitigate that lack of support through the provision of private resources.<sup>32 33</sup> This finding suggests that

the dramatic percentage drops in graduation rates and college enrollment rates may be slightly less severe in HPISD than in less wealthy districts. However, paying for costly tutoring in order to mitigate the effects of a denial or removal of special education services is certainly not a safety net that every family in HPISD can afford. Nor is it a safety net that every HPISD student with learning disabilities can utilize. Most students with dyslexia are completely spent after a full school day and simply do not have the mental, physical, or emotional bandwidth for extensive after-school academic tutoring.

The UC Davis/ Cornell study exposes:

- the **profound vulnerability of even mildly learning disabled students** in school districts that fail to provide them with a Free and Appropriate Public Education (FAPE)
- the **emotional and financial toll families must endure** in order to mitigate the inadequacy of services offered by their school district

Thus, HPISD would be wise to heed the warnings of this study when considering how the district ensures that it is providing a Free and Appropriate Public Education to all students.

## Guidance from Texas re: Child Find and Compensatory Services

In 2018, Texas Region 4 Education Service Center published a guide called, "*Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan.*" The guide "was developed in 2018 by Region 4 Education Service Center independent consultants and Thompson & Horton, LLP, all based in Houston, Texas, to provide school districts and charter schools with information to support the implementation of the Identification, Evaluation, and Offer of FAPE section of the *TEA Special Education Strategic Plan.*"<sup>34</sup>

The guide focuses on the Identification, Evaluation, and the Offer of FAPE (Child Find) for students who may have had requests for Full and Individual Evaluations (FIEs) delayed or denied as a result of the illegal 8.5% cap. The guide was created to give a framework for data gathering and data analysis to help districts make decisions about students most likely to have been impacted, which are those:

- identified under Section 504,
- receiving dyslexia services,
- receiving response to intervention (RTI), and
- whose parents requested an evaluation previously but the evaluation was denied.

**The guide says that for districts "who wish to be proactive, identification and prioritization for referral of all currently enrolled students who fall in one of these groups is recommended.** This would allow for a global look at the students to determine which individuals might need a closer review of data." It is unclear whether HPISD took steps to locate students whose requests for FIEs were delayed or denied, or whether such students have since been evaluated. However, some of this information from the 2018-2019 school year would have been reported to the TEA as part of the State Performance Plan Indicator 11.<sup>35</sup>

The guide explains the role of compensatory services, both when students were impacted by the 8.5% cap and anytime FAPE is not provided, pursuant to *Reid v. District of Columbia*, 401 F.3d 516, 196 Ed.Law Rep. 402 (D.C. Cir. 2005):

- "IEPs are forward-looking and intended to conform to a 'standard that looks to the child's present abilities,' but compensatory education is meant to 'make up for prior deficiencies.'"
- "Compensatory education awards should aim to place disabled children in the same position they would have occupied but for the school district's violations of the IDEA."

- “Some students may require only short, intensive compensatory programs targeted at specific problems or deficiencies. Others may need extended programs, perhaps even exceeding hour-for-hour replacement of time spent without FAPE.”
- “[The student] is not entitled, however, to an amount of such instruction predetermined by a cookie-cutter formula, but rather to an informed and reasonable exercise of discretion regarding what services he needs to elevate him to the position he would have occupied absent the school district's failures.”

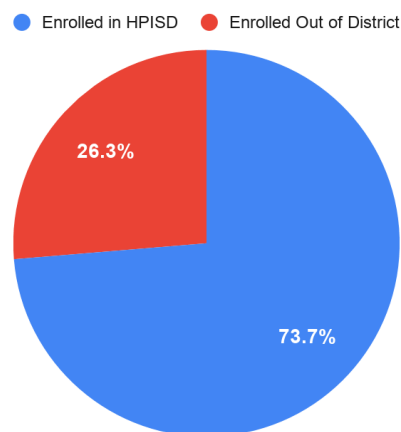
The guide also highlights *Friendship Edison Pub. Charter Sch. Collegiate Campus v. Nesbitt*, 583 F. Supp. 2d 169, 239 Ed.Law Rep. 380 (D.D.C. 2008) (Nesbitt II). Here, the court “held that new psychoevaluation, educational evaluation, and vocational assessment to assess student's educational abilities and needs were required, at the cost of school district, to allow student to adequately craft a compensatory education plan.”

The guide contains summaries of key legal cases that interpret Child Find and define compensatory services. Several of these cases, discussed in greater detail later in this report, squarely address specific concerns of HPISD parents. See Appendix B for further information.

## AREAS FOR IMPROVEMENT IN THE EDUCATION OF STUDENTS WITH DYSLEXIA IN HPISD

Currently, 26% of dyslexic students who live within the HPISD geographic boundary attend school outside of the district to obtain appropriate educational services.<sup>36</sup> This noteworthy statistic demonstrates that some families and their dyslexic students are having difficulty receiving an appropriate education in HPISD. Residents who have a choice – or who feel they have no choice but to make very difficult personal and financial sacrifices – “vote with their feet.” (See Figure 2)

**School Enrollment of Dyslexic Students Living in HPISD**



**Figure 2:** 26% of dyslexic students in living in HPISD are enrolled in private school. Source: Texas PEIMS data plus data collection for 2019 HPISD dyslexia survey.

Also, the 26% of students with dyslexia who attend school out of the district is significantly higher than the overall rate of students who live in HPISD and attend private school. A 2014 demographic study commissioned by HPISD prior to the 2015 bond vote estimated that 16% of all students who lived in the

district at that time attended private school.<sup>37</sup> The 2014 study suggests that about 10% of these private school attendees were learning disabled students: 148 of the 1,407 students estimated to attend private schools in the study attended learning-difference-focused schools. While HPISD is not responsible for providing the smaller classes or specialized curriculum that private schools offer, the district *is* obligated by federal and state laws to provide an appropriate education to all students with disabilities.

The Shelton School, the private school that most HPISD dyslexic students attend, charges annual tuition fees of \$25,000 - \$31,000 per student. In addition to the 26% of students who attend private schools such as Shelton, a significant number of the 74% of dyslexic students currently attending school in HPISD have previously left the district. Parents report sending their dyslexic children to private schools to obtain effective dyslexia intervention and then returning to HPISD once reading and other associated learning deficits improved. Parents of dyslexic students also report providing extensive academic support and tutoring during the school year beyond what a typical, non-learning-differenced student needs.

Many HPISD parents move their dyslexic students to private schools to receive appropriate dyslexia intervention. Others leave because of years-long, on-going difficulty with teachers not providing the accommodations in their disability plan. This is especially true once students leave elementary school and are dependent on accommodations to keep up with the faster pace of instruction and vulnerable to the increased consequences of low grades (academically, socially, and emotionally).

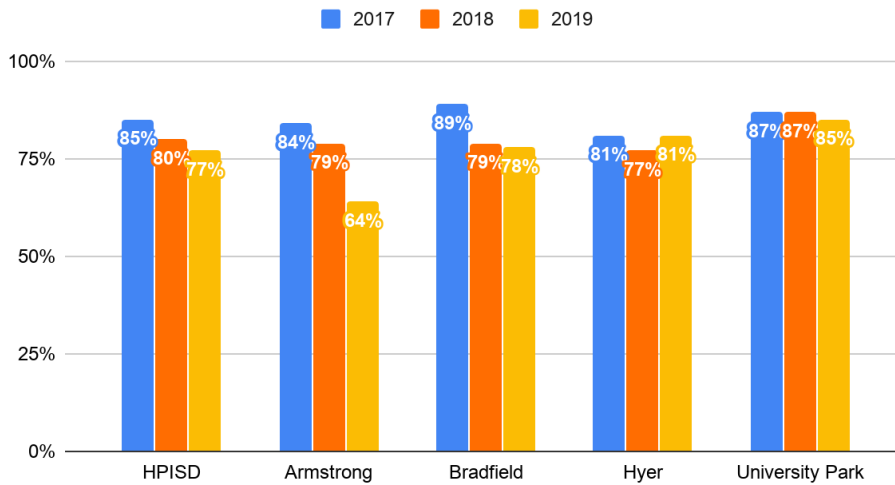
## Areas for Improvement in English Language Arts and Reading

### Reading Achievement Decrease for HPISD 3rd Grade Students

**Third grade is a pivotal year when students make the leap from 'learning to read' to 'reading to learn.' All students who are unable to achieve this milestone face significant, long-term consequences in school and life.** Education researchers note, "If intervention is not provided before the age of eight, the probability of reading difficulties continuing into high school is 75 percent."<sup>38</sup> Also, a 2011 national study confirmed multiple previous studies showing that "students who don't read proficiently by third grade are four times more likely" to drop out of high school than proficient readers.<sup>39</sup> Students with learning disabilities (such as dyslexia) are already at greater risk of dropping out of high school, as well as significant risk of not graduating with a regular high school diploma.<sup>40</sup>

HPISD parents are highly concerned that in the last three years, HPISD Grade 3 Reading STAAR scores have dropped significantly for all students.<sup>41</sup> The percentage of 3rd graders *meeting* grade level has dropped 8% from 85% in 2017 to only 77% in 2019. (See Figure 3) **For 2019, 23% of all HPISD 3rd grade students did not achieve reading scores that meet grade level.** The Texas Education Agency (TEA) describes **students in this 23% as in need of "targeted academic intervention" or "significant, ongoing academic intervention."**<sup>42</sup>

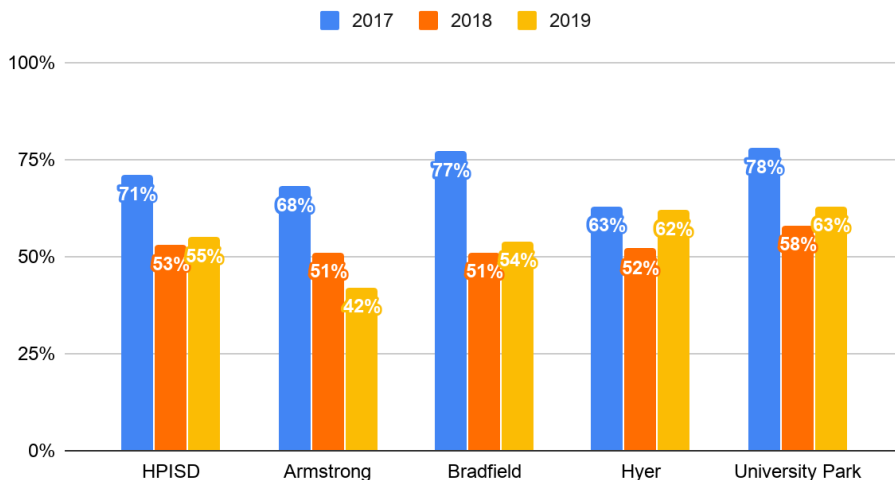
### STAAR Grade 3 Reading: Meets Grade Level or Above



**Figure 3:** HPISD 3rd grade students who *met* grade level standards on STAAR Reading fell 8% from 2017 - 2019; **In 2019, 23% of all HPISD 3rd grade students did not *meet* grade level standards.** Source: Texas Academic Performance Report

The data for *mastering* grade-level show an even greater 16% decline with 71% of students achieving mastery in 2017 compared to only 55% in 2019. (See Figure 4) Statewide statistics in both categories remain virtually flat for the same time periods. This raises critical questions about the quality of HPISD elementary reading instruction and about any other potential causes for HPISD's significant reading score decline, particularly in the context of relatively stable statewide scores.

### STAAR Grade 3 Reading: Masters Grade Level



**Figure 4:** HPISD 3rd grade students who *mastered* grade level standards on STAAR Reading fell 16% from 2017 - 2019; **In 2019, 45% of all HPISD 3rd grade students did not *master* grade level standards.** Source: Texas Academic Performance Report

As national figures estimate that 15-20% of the student population is dyslexic,<sup>43 44</sup> these scores raise serious concern that:

- HPISD's core reading curriculum fails to provide basic reading instruction that is adequate to meet even the minimum needs of nearly 25% of its students, including its dyslexic students

- **HPISD dyslexia intervention process fails to identify students early enough to provide intervention within a critical period of their early development and thus fails to meet the Texas Education Agency goal of ensuring all students meet grade-level reading standards by the end of 3rd grade.**<sup>45</sup>

Also, dyslexic students who are not reading at grade level require intervention as described in the Texas Dyslexia Handbook<sup>46</sup> and **will not significantly benefit from the common practice of providing short-term, STAAR-related tutoring** to students who are not adequately achieving. Following TEA's guidance to schools to provide targeted intervention to students who do not meet grade-level standards, the current low scores should prompt evaluation of the intervention that has been given to this group of students: Is it truly targeted and individualized based on the student, or is it standard STAAR test prep? Also, are the data pertaining to individual students collected and aggregated so that teachers can evaluate the types of targeted instruction provided and determine whether they are effective?

## Concerns about Early Elementary Reading Instruction

Another concern is HPISD's selection of Lucy Calkin's "Units of Study for Reading and Writing" for the core instructional materials for English Language Arts and Reading.<sup>47</sup> Much controversy has surrounded Calkins and her curriculum in recent years, and she recently released a November 2019 statement<sup>48</sup> in response to criticism from highly-acclaimed national **educators and researchers who say her early reading program is not aligned to evidence-based practices of how children learn to read.**<sup>49</sup>

Of particular concern to parents of students with dyslexia is **Calkin's own assertion that dyslexic children do not benefit from the instruction and materials of her "Units of Study" program, which HPISD has adopted.** Not only does Calkins state that her curriculum is not aimed to benefit struggling readers with dyslexia, but her core classroom instruction, by design, does not address the needs of these children, who she purports should be removed from the classroom for specialized core instruction in reading:

"My hypothesis is that, at least for right now, it's unrealistic to think that most general-ed classroom teachers will be able to provide what 27 typically developing readers and writers need while also fully meeting the needs of children with dyslexia because those children do have very intensive and specialized needs." (Lucy Calkins)

Consistent with Calkin's program, HPISD uses leveled readers (ie. "Level G") in early elementary classrooms for nightly readers and reading progress monitoring. **Calkins describes the negative impact of the leveled readers on dyslexic students saying:** "[children with dyslexia] generally do not fare well with books that are highly predictable and that provide strong picture support. **The last thing children who are dyslexic need is encouragement to compensate by relying on pictures and meaning instead of sound-letter correspondences.**"

Instead, she says that **dyslexic students need decodable books, which are not currently part of her program and are not typically found in HPISD early elementary classrooms:** "[Children with dyslexia] need books that help them rely upon the letters on the page and to trust that the phonics instruction they receive will pay off when they are reading continuous texts. So meaningful, mostly decodable texts are especially important for children with dyslexia."

The inconsistencies between Calkin's recent statement and her program has drawn national attention and numerous critical responses from other educators. (See Appendix C) Because HPISD values

inclusion, building a strong learning environment for **all** students – certainly one that provides classroom instruction designed to meet the needs of **most** of those students – should be one of its top priorities.

**HPISD's adoption of Leveled Literacy Intervention (LLI) as the first reading intervention** for struggling readers raises additional concerns. HPISD's Balanced Literacy Plan states, "The LLI systems are designed to be used with students who need intensive support to achieve grade-level competencies."<sup>50</sup> Yet LLI's own authors, Fountas and Pinnell, seemingly contradict HPISD's assertion, as they state that **LLI was not designed to meet the needs of students with learning disabilities**.<sup>51</sup> The LLI reading intervention program is simply not appropriate for the 15-20% of students who are dyslexic. Because LLI is, according to its authors, designed only for struggling readers who are *not* learning disabled, funneling unidentified students with dyslexia into the LLI program not only provides them with limited benefit, but also **delays their proper identification which, in turn, would grant them critical early access to dyslexia intervention and support**.

In sum, Calkin's "Units of Study" core materials and LLI's intervention system fail to meet the instructional needs of a significant percent of struggling readers. In contrast, adopting a Structured Literacy approach (described later in this report) would provide core classroom literacy instruction beneficial to all students, and would train teachers with the tools needed to prepare all struggling readers (not solely, but including, dyslexic students) for grade-level proficiency.

A final concern with HPISD's Balanced Literacy Plan arises from the fact that **it was completed without developing the Intervention sections related to progress monitoring or Response to Intervention**.<sup>52</sup> For both sections, the plan states, "Refer to district RTI documents, (TBD)," yet RTI documents have not been posted since the plan was published in 2018. This omission indicates that neither progress monitoring nor RTI are well-developed in HPISD, especially for dyslexic students. Yet progress monitoring and RTI are critical components of an instructional plan because they (1) measure student response to an intervention to make sure the instruction is effective, and (2) provide timely guidance regarding further intervention needed (to the extent that the student response indicates that initial intervention has *not* been effective) – intervention which then similarly should be evaluated, in turn, for effectiveness through further progress monitoring and Response to Intervention.

The Texas Dyslexia Handbook says,

"In Texas and throughout the country, there is a focus on a Response to Intervention (RTI) or tiered intervention process as a vehicle for meeting the academic and behavioral needs of all students. The components of the Student Success Initiative (SSI) and other state-level programs offer additional support. Current federal legislation under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), calls for the use of benchmark assessments for early identification of struggling students before they fail. In fact, state law requires the use of early reading assessments that are built on substantial evidence of best practices. Carefully chosen, these assessments can give crucial information about a student's learning and can provide a basis for the tiered intervention model. Through the tiered intervention process, schools can document students' learning difficulties, provide ongoing evaluation, and monitor reading achievement progress for students at risk for dyslexia or other reading difficulties."<sup>53</sup>

The RTI Network explains, "Educational decisions about the intensity and duration of interventions are based on individual student response to instruction. RTI is designed for use when making decisions in both general education and special education, creating a well-integrated system of instruction and intervention guided by child outcome data."<sup>54</sup>



As the foregoing discussion demonstrates, the stakes for dyslexic students are exponentially high as school districts choose instructional materials and decide which assessment procedures to implement in order to gauge the effectiveness of those materials.

## Areas for Improvement in Identification

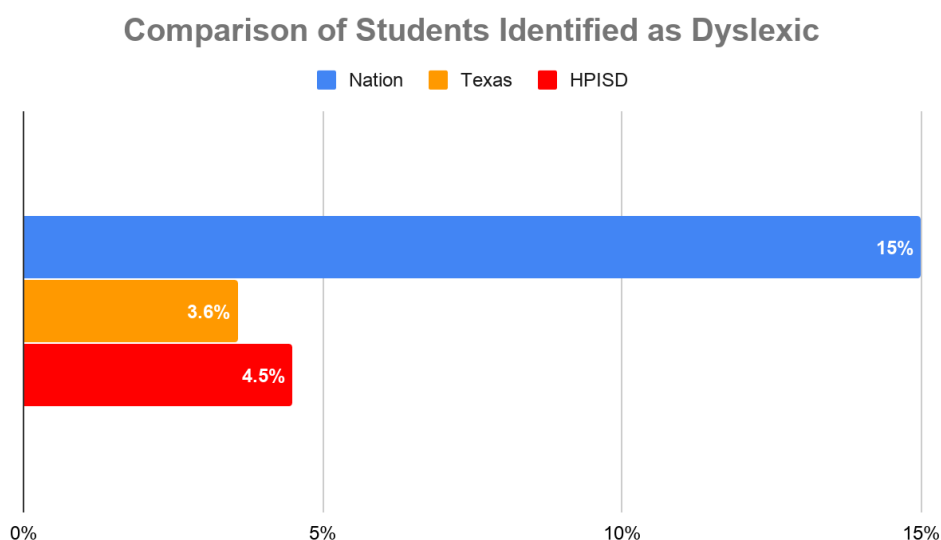
Parents share concern that HPISD is under-identifying students with learning disabilities, including dyslexia. Examining data banks that maintain education statistics (e.g., the National Center for Education Statistics and the Texas Public Education Information Management System (“PEIMS”)) allows a comparison of the number and percentage of students identified with dyslexia and other learning disabilities at various geographic levels (national, state-wide, local, and district). This geographic comparison reveals that parental concerns about under-identification are indeed corroborated by the statistics.

### Under-identification of Dyslexia and Other Learning Disabilities

#### *Under-identification of Students With Dyslexia*

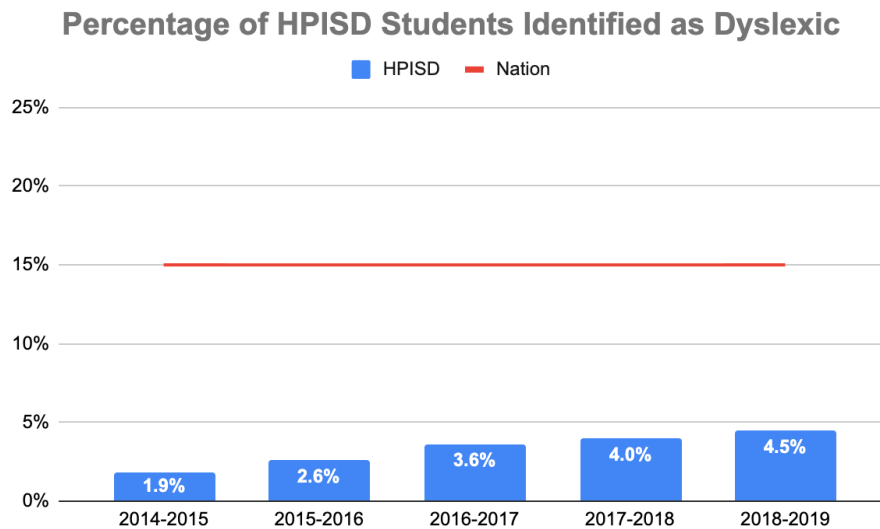
According to the Texas Education Agency (TEA), 3.6% of the state’s students are identified as dyslexic. Dan Huberty, Texas House Public Education Committee Chairman, says that figure is a **“woefully short” undercount that almost certainly would go up if local educators are given more money to do a better assessment.**<sup>55</sup> Huberty is the chief architect and co-author of House Bill 3, passed in 2019 by the Texas Legislature.

HPISD identifies a significantly lower percentage of students with dyslexia (4.5%) than does the nation at large. Numerous organizations, including The International Dyslexia Association and the Yale Center for Dyslexia and Creatively, estimate that 15-20% of the population is dyslexic (see Figure 5).<sup>56 57</sup>



**Figure 5:** Percentage of students identified with dyslexia in the nation, Texas, and HPISD. Sources: International Dyslexia Association and Texas PEIMS data (2018-2019).



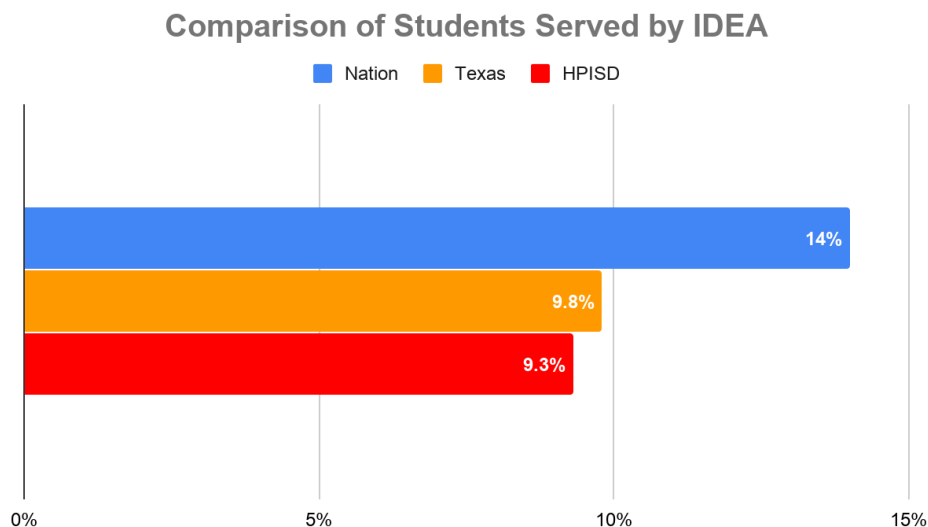


**Figure 6:** Percentage of students identified as dyslexic in HPISD from 2014-2019. The International Dyslexia Association estimates that at least 15% of the population is dyslexic. Source: and Texas PEIMS data.

### *Under-identification of Students Who Should Be Served Via the Individuals With Disabilities Education Act (IDEA)*

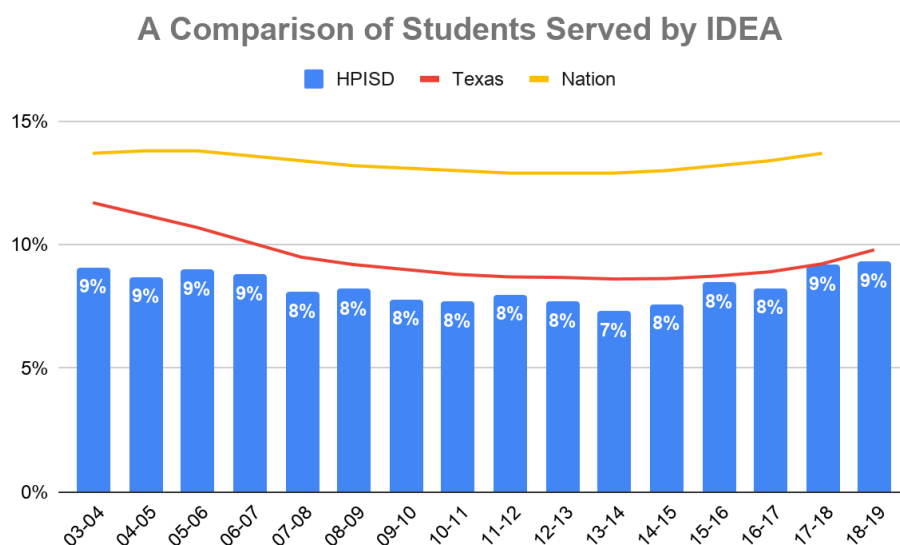
Texas has a history of excluding students with dyslexia and other disabilities from the individualized instruction, goals, and progress monitoring only available via the Individuals with Disabilities Education Act (IDEA), as uncovered by *The Houston Chronicle's* "Denied" series, published in 2016.<sup>58</sup>

HPISD currently serves 9% of enrolled students via IDEA.<sup>59</sup> The national average is 14%.<sup>60</sup> (See Figure 7) Although HPISD's numbers are consistent with state numbers, the state of Texas is currently under a federal investigation for illegally decreasing special education enrollment and recently paid a \$223 million federal fine for decreasing spending in this area.<sup>61</sup>



**8**Percentage of students served under IDEA in the nation, Texas, and HPISD. Sources: National Center for Education Statistics (2017-2018) and Texas PEIMS data (2018-2019).

Like most districts in Texas, HPISD rates of identifying students through IDEA fell during the years that the Texas Education Agency (TEA) placed an illegal cap on the number of students who could be served, regardless of whether they met eligibility criteria (2004 - 2017).<sup>62 63</sup> **Historically, HPISD's rate of identification has not been close to the national public school rate and has lagged behind Texas even during the years of the illegal cap on enrollment.** (See Figure 8)<sup>64 65</sup>



**Figure 8:** Percentage of HPISD students served by IDEA from 2003 to 2019 compared to national and state averages in the same years. Sources: National Center for Education Statistics (2003-2018) and Texas PEIMS data (2003-2019).

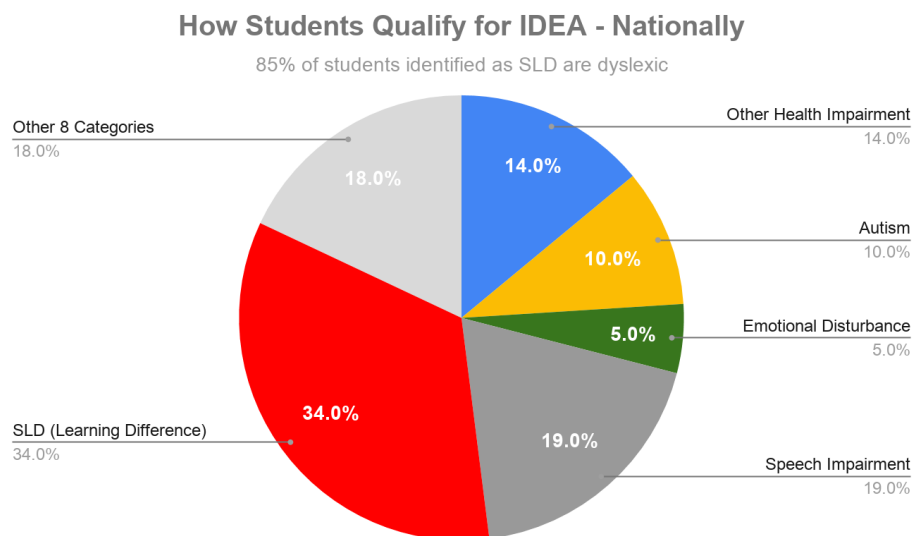
One possible explanation for HPISD historical under-identification of students with disabilities is the fact that the district did not take any federal funds for IDEA until the 2011-2012 fiscal year.<sup>66</sup> This seems to have created a district culture in which the knowledge that federal funds had not been accepted by the district translated into a district-wide belief that federal education mandates simply did not apply. In fact, years ago, HPISD paid to send students with notable learning disabilities to private school rather than provide the staffing and resources to keep students in their neighborhood public schools.

### ***Under-identification of Students in the Specific Learning Difference (SLD) Category Under IDEA***

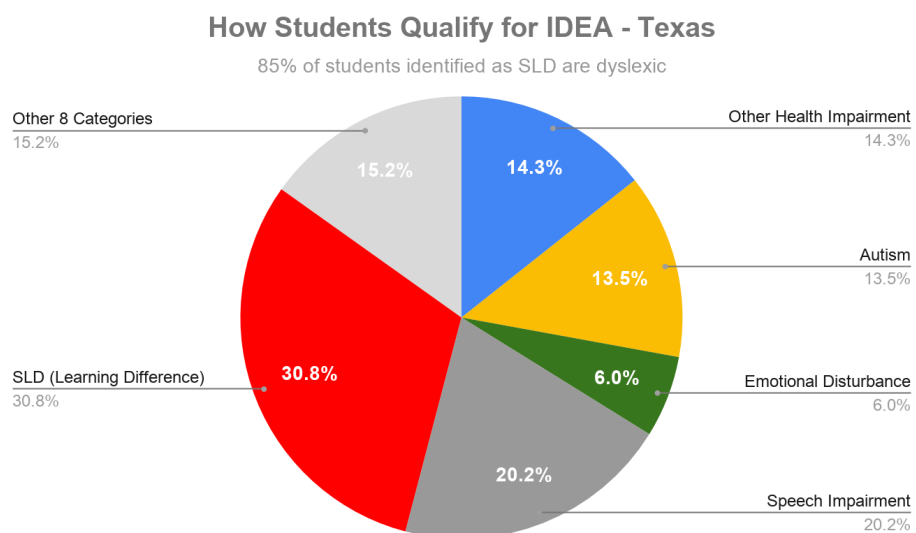
In addition to low rates of IDEA identification, HPISD is also an outlier – as compared to national and state norms<sup>67 68</sup> – in *how* students are identified through IDEA's 13 categories of eligibility<sup>69</sup> for the purposes of qualifying those students for an Individualized Education Plan (IEP). Within IDEA eligibility, **HPISD identification rates show a significantly lower percentage of students identified as Specific Learning Disability (SLD)** than national, state, and local averages. (See Figures 9 - 11) **The SLD category is the disability category within IDEA that specifically includes dyslexia.**<sup>70</sup> Nationally, dyslexia is the most common SLD, and **85% of students identified as SLD have a primary learning disability in reading and language processing.**<sup>71</sup>

Also, within IDEA eligibility, **HPISD rates of identification are above national and state averages for the categories of Other Health Impairment** (which often includes ADHD), **Emotional Disturbance** (which often includes anxiety, depression, and school refusal), and **Autism.**<sup>72</sup> Laudably, HPISD has dedicated resources to identifying students in these populations – which may explain the higher rates of

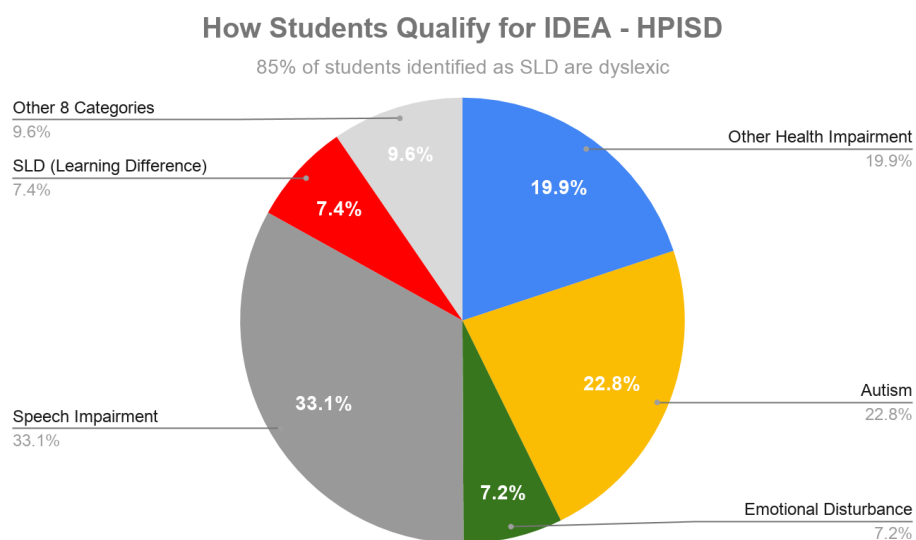
identification in these categories. On the other hand, resources similarly need to be deployed to identify students who should properly qualify through the SLD category.



**Figure 9:** Main categories used to qualify students for IDEA nationally. Note: Specific Learning Difference category is 34%. Source: National Center for Education Statistics (2017-2018).

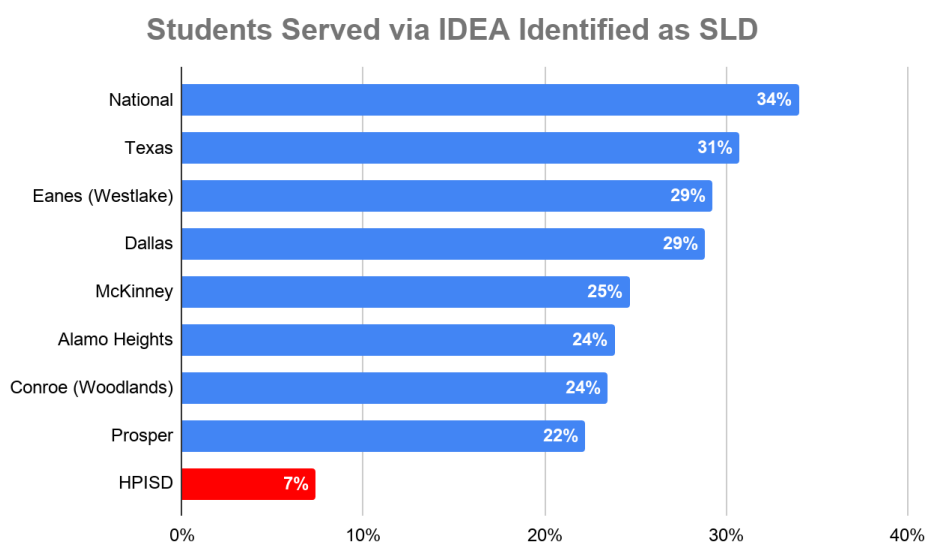


**Figure 10:** Main categories used to qualify students for IDEA in Texas. Note: Specific Learning Difference category is 31%. Source: Texas PEIMS data (2018-2019).



**Figure 11:** Main categories used to qualify students for IDEA in HPISD. Note: Specific Learning Difference category is 7%. Source: Texas PEIMS data (2018-2019).

Not only does **HPISD identify a significantly lower percentage of students as Specific Learning Disability (SLD)** than the nation or state, but it also identifies significantly lower percentages than many regional or similar districts. (See Figure 12) <sup>73</sup> Because 85% of students identified as SLD are dyslexic, this directly translates to serving fewer students with dyslexia through IDEA. <sup>74</sup>



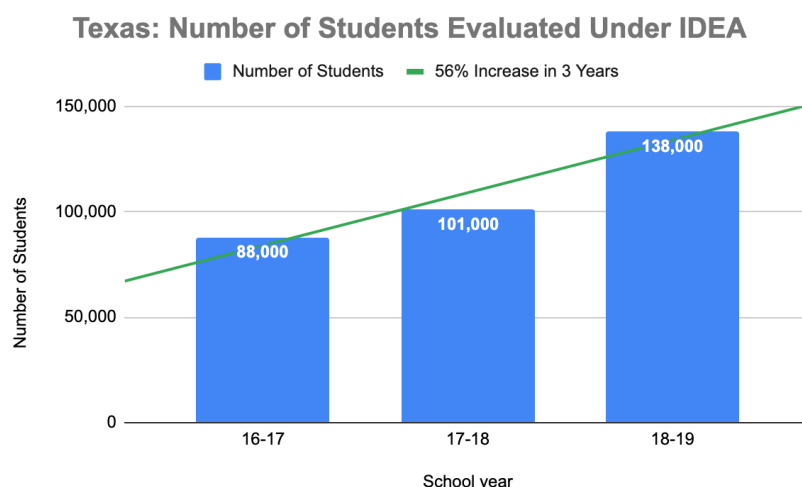
**Figure 12:** Comparison of students served in IDEA via Specific Learning Difference (SLD) category in nation, Texas, select districts, and HPISD. Sources: National Center for Education Statistics (2017-2018) and Texas PEIMS data (2018-2019).

The district does serve more than 7% of dyslexic students via IDEA; 7% are the number of students identified and served via SLD, of which 85% are likely dyslexic. <sup>75</sup> The majority of dyslexic students who are served through IDEA are served through that statute in spite of their dyslexia, not because of it. Parents report interacting with special education teachers who are either unaware that their children are dyslexic or unsure about how to help them in this regard. These parents also report resistance to incorporating dyslexia into IEP sections such as present levels of functioning data, goals, and progress

monitoring. In HPISD, an IEP for a dyslexic student usually means 1) no reading goals specific to dyslexia 2) special education teachers without experience in the science of teaching reading or dyslexia intervention. In all likelihood, the 20%+ of dyslexic students who are served via IDEA are served in this manner because they also have ADHD or because they are receiving speech therapy. Parents report that their dyslexic children are routinely moved out of special education as soon as speech therapy is completed.

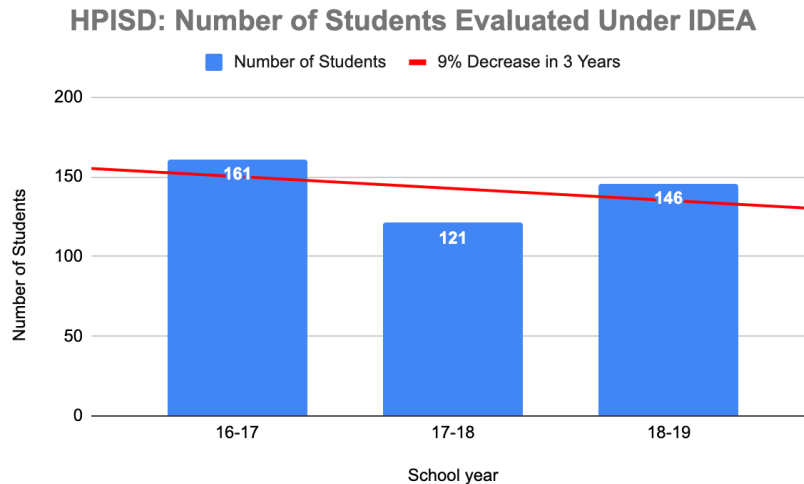
### *IDEA Evaluation Trends: Texas vs HPISD*

Texas Education Commissioner Mike Morath recently reported in an October 28, 2019, hearing that **Full and Individual Evaluations (FIEs) are up 56% in Texas over the last three years** as districts work to restore appropriate identification practices following the illegal 8.5% cap.<sup>76</sup> (See Figure 13) Morath called the increase in evaluations a “huge transformation” and one of “several indicators that we see about significant shift in special education supports in the state of Texas.” He also noted that dyslexic students can be served through special education.<sup>77</sup>



**Figures 13:** 56% increase in Full and Individual Evaluations completed in Texas from 2016-2019.  
Source: Texas Education Agency SPP Indicator 11 regarding initial eligibility determinations.

However, HPISD’s numbers do not reflect statewide trends. **In HPISD, Full and Individual Evaluations (FIEs) have decreased 9% over the last three years.** (See Figure 14) In 2018-2019, HPISD evaluated 146 students for special education. If the district followed state trends, HPISD would have evaluated 250 students in 2018-2019. This is especially significant as HPISD’s identification numbers still hover close to the 8.5% rate imposed by the illegal TEA cap on special education enrollment.



**Figure 14:** 9% decrease in Full and Individual Evaluations completed in HPISD from 2016-2019.  
Source: Texas Education Agency SPP Indicator 11 regarding initial eligibility determinations

While the district has recently begun complying with an appropriate informed consent process prior to evaluation, parents in HPISD report that HPISD campus staff regularly discourage parents from requesting Full and Individual Evaluations (FIE's) for their children when dyslexia is suspected. Those informal, verbal refusals to evaluate are not captured in district data nor documented as the state requires. Further, these delays to evaluate are a violation of Child Find.

In these instances, HPISD is also not following guidance in the Texas Dyslexia Handbook that states, "Under IDEA, schools MUST give parents prior written notice of a refusal to evaluate, including an explanation of why the school refuses to conduct an initial evaluation, the information that was used as the basis for the decision, and a copy of the Notice of Procedural Safeguards."<sup>78</sup>

Delays to evaluate are, in fact, a violation of Child Find. The Texas Region 4 guide, "*Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan*," highlights "Northwest ISD, Docket No. 254-SE-0617 (TX 2018)" in which "Student had been served under Section 504 since October of 2013. Student had known struggles with reading during the 2015–2016 school year and Parent made inquiries about a possible learning disability in March of 2016. District did not initiate the special education referral process until October of 2016, which the hearing officer considered a six-month delay."<sup>79</sup> (See Appendix B for further information)

If HPISD intends to increase evaluations so that students are properly identified and served through IDEA, and if more students are also properly identified for instruction and services via the Specific Learning Difference category, then the district will have to devote additional resources for staffing, training, curriculum, etc. for these purposes. The district is currently exploring how to maximize all funding sources and prioritize "needs" over "wants." **It is imperative that budget conversations address both state and federal mandates for students with disabilities, as well as the unequivocal "need" to support and develop the reading skills and academic success of the 15-20% of students who are dyslexic.**

## Concerns With Identification Process

### *Dyslexia Screening for Kindergarten / First Grade*

Parents report a lack of clarity about the next steps after their students were **flagged as “at risk”** for dyslexia on an HPISD Kindergarten / First Grade screener:

- **some parents reported that the “at risk” letter was sent home in their child’s backpack with no additional follow up from the campus**
- **some parents were unaware if any intervention was provided**
- **some students began an intervention designed for dyslexic students without parental notification, the opportunity to provide consent, or a conversation about dyslexia**

Parents lack understanding of the official HPISD process that follows an “at risk” screener. Unlike districts that choose a proactive approach and evaluate all “at risk” students, HPISD does not **automatically conduct further evaluation for students who are flagged as “at risk.”** If the numbers of “at risk” students are too high for HPISD to evaluate, further consideration should be given to whether the initial classroom reading instruction is sufficient, if the screener is appropriate, or if the dyslexia department has adequate staffing.

This systemic practice of waiting to evaluate “at risk” students appears to be inconsistent with the intent of Texas Dyslexia Handbook, which says,

“While schools must follow federal and state guidelines, they must also develop local procedures that address the needs of their student populations. Schools must recommend evaluation for dyslexia if the student demonstrates the following:

- Poor performance in one or more areas of reading and spelling that is unexpected for the student’s age/grade
- Characteristics and **risk factors of dyslexia** indicated in Chapter I: Definitions & Characteristics of Dyslexia

Districts and charter schools must establish written procedures for assessing students for dyslexia.”<sup>80</sup>

Also, parents report that they are **not automatically provided with the screening data** that showed their child to be at risk. The Texas Dyslexia Handbook says,

“Screening data should always be shared with parents. Screening data should also be used by teachers and school administrators to guide instruction at the classroom level. When large percentages of students fall below the cut point (are at risk for dyslexia), it signals a need to review instructional programming and practices and teacher training in effective and explicit reading instruction.”<sup>81</sup>

HPISD’s chosen dyslexia screener, the Shaywitz DyslexiaScreen, is also limited because it **does not involve direct evaluation of students**. Rather, it is a 10 question survey completed by the classroom teacher based on his/her observations. The screener thus wholly relies upon the classroom teacher’s knowledge and training – or lack thereof – about how to recognize the signs of dyslexia in their students. (See Appendix D for the 10 Shaywitz screener questions) In contrast, other districts use multiple tools that directly measure a student’s skills when screening for dyslexia in Kindergarten and 1st grade. For example, one nearby district uses the following three tools currently and are also considering adding norm-based tools to use in the near future:

- Developmental Reading Assessment (DRA2)

- ISIP (iStation)
- Quick Phonics Screener or Phonemic Awareness and Phonics Inventory

### *Timing of Identification*

The typical timing of dyslexia identification following Kindergarten / 1st grade dyslexia screenings raises parent concerns about delays in dyslexia identification and intervention. District staff typically describe the following timeline to parents:

- **May of Kindergarten:** Student could be flagged as “at risk” on a dyslexia screener (but not be evaluated for dyslexia).
- **Fall of 1st grade:** Student may begin to receive additional help (varies by campus and student but often includes LLI and sometimes includes *Pre-Flight*).
- **January of 1st grade:** Student could be flagged again as “at risk” on the dyslexia screener; a dyslexia evaluation might be conducted (typically via the 504 route).
- **Mid to late 1st grade:** If evaluated, evaluation is completed and reviewed by the dyslexia committee.
- **2nd grade:** If identified as dyslexic, student begins dyslexia intervention (*Take Flight*)

HPISD administrators have consistently stated that an “at risk” designation on a Kindergarten / 1st grade screener does not automatically lead to an evaluation for suspected dyslexia.

It is likely not coincidental that despite the guidance to identify and treat dyslexia as early as possible, most HPISD students are not identified until 2nd grade, the earliest grade the district’s only full dyslexia intervention (*Take Flight*) can begin. Instead, the district often serves “at risk” Kindergarten and 1st grade students with Leveled Literacy Intervention (LLI) for some students (a program not designed for dyslexic students) or *Pre-Flight* for other students. However, *Pre-Flight* is a limited program designed to last a couple months and does not meet the full criteria of the Texas Dyslexia Handbook. Parents are currently unaware if HPISD has a dyslexia intervention program for Kindergarten and First Grade that meets all the criteria in the Handbook.

The lag time between when identification is possible and when intervention typically begins is called the “dyslexia paradox.” Researcher Nadine Gaab of the Harvard Medical School and the Harvard Graduate School of Education said, “Research has shown that **reading interventions are most successful in kindergarten and first grade.** [If students are identified later in elementary school] many children may be far behind their peers — and too discouraged to fully catch up.”<sup>82</sup>

The Texas Dyslexia Handbook also emphasizes the necessity of early identification by referencing the book *Straight Talk about Reading* by Hall and Moats:<sup>83</sup>

- Early identification is critical because the earlier the intervention, the easier it is to remediate.
- Inexpensive screening measures identify at-risk children in mid-kindergarten with 85% accuracy.
- If intervention is not provided before the age of eight, the probability of reading difficulties continuing into high school is 75%.

The Texas Dyslexia Handbook explicitly states that students in kindergarten and first grade must be evaluated and treated for dyslexia, and that “Since dyslexia is a neurobiological, language-based disability that persists over time and interferes with an individual’s learning, it is critical that identification and intervention occur as early as possible.”<sup>84</sup> It also references the 2011 letter from the Office of Special Education Programs (OSEP) to the State Directors of Special Education,<sup>85</sup> which says schools have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied



because of an intervention process (such as offering intervention to a child who is 'at risk' on a dyslexia screener), especially when parent or teacher observations reveal the common characteristics of dyslexia.

The handbook also states,

"The importance of early interventions for students with reading difficulties cannot be overstated. In order for early interventions to be provided, a student must first be identified as at risk for dyslexia or another reading difficulty. While educators once delayed identification of reading difficulties until the middle elementary grades, recent research has encouraged the identification of children at risk for dyslexia and reading difficulties "prior to, or at the very least, the beginning of formal reading instruction" (Catts, 2017)."<sup>86</sup>

Also, **sometimes students who are struggling academically are retained without first evaluating for learning disabilities.** Over time, this practice delays the student getting needed intervention and also requires the district to pay to educate that student for another year. For both the student and the school, it is more efficient to provide teachers with appropriate training to identify and teach the student . . . rather than having the student attend (and the district pay for) another year of school. Studies show that retaining students with learning differences is not effective because they will not benefit from another year of the same instruction and they will continue to struggle without appropriate evaluation and intervention. The University of Michigan's dyslexia center addresses retention.<sup>87</sup>

**Myth: Retaining a child (i.e., holding them back a grade) will improve their academic struggles.**

**Fact:** According to several institutions (i.e., U.S. Department of Education, American Federation of Teachers, National Association of School Psychologists), there is no benefit to retention because it has never improved a student's academic struggles. These students do not need another year of the same instruction – they need differentiated intervention that is research-based, systematic, and explicit.

The Texas Region 4 guide, "*Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan*,"<sup>88</sup> highlights "Hardin-Jefferson ISD, Docket No. 200-SE-0315 (TX 2015)," where the hearing officer found,

"The District decided that its [RTI] was sufficient to help the Student. [RTI] services included services from the campus dyslexia teacher. The evidence showed that **the evaluation and information from the private tutor, along with continuing Parental concerns and requests for testing, were reasons enough to suggest that the Student might be a student with a disability in need of special education, thus triggering a Child Find duty** to seek to evaluate the student.

Findings (*partial*):

- The District could not relieve itself of a Child Find duty by providing [RTI] services for dyslexia and waiting to see if the interventions were effective before performing an IDEA evaluation.
- Although well intentioned, the District's continued use of [RTI] delayed an evaluation for special education.
- The hearing officer noted that the District had a certain amount of tunnel vision by focusing too stringently on the progress the Student was making in [RTI].
- District was ordered to reimburse the cost of the evaluation and the cost of private dyslexia tutoring sessions.
- The hearing officer ordered that the Student met the criteria as a student with a specific learning disability."

## *Identification via IDEA / Specific Learning Disability (SLD)*

In June 2018, the TEA sent a guidance letter to districts regarding the provision of services to dyslexic students. One of the main points was to “Reiterate and clarify that an LEA’s **Child Find mandate under the IDEA applies to students with, or suspected of having, dyslexia or a related disorder.**”<sup>89</sup>

**The under-identification of students identified with Specific Learning Differences (and therefore dyslexic students) raises concerns about the effectiveness and accuracy of HPISD’s identification process.**

**Given the low rates of identification in the SLD category, one concern is whether HPISD is complying with IDEA’s Child Find mandate and completing evaluations comprehensive enough to identify students with possible learning disabilities.** Child Find requires all school districts to identify, locate, and evaluate all children with disabilities, regardless of the severity of their disabilities.<sup>90</sup> The Texas Dyslexia Handbook also says, “A student’s reading difficulties alone may warrant evaluation under IDEA.”<sup>91</sup>

**Typically, HPISD does not evaluate using a Full Individual Evaluation (FIE, part of IDEA) when dyslexia is suspected** because, prior to evaluation, staff share a general consensus that a student who is dyslexic is “only dyslexic” and will only need to complete the Take Flight dyslexia program to reach their reading potential. HPISD classifies Take Flight as a general education intervention.<sup>92</sup>

However, this assumption does not take into consideration research reports (including from the National Institutes of Health) that **60% - 85% of dyslexic students have other co-occurring disabilities** (ADHD, dysgraphia, dyscalculia, executive functioning, slow processing).<sup>93 94 95</sup> The Texas Dyslexia Handbook states, “Besides academic struggles, some students with dyslexia may exhibit other complex conditions and/or behaviors,” and “Acknowledging that students with dyslexia must exert extra effort to meet grade-level expectations, all the factors that may affect learning must be considered when identifying and providing instruction for students with dyslexia.”<sup>96</sup> A “504 dyslexia evaluation” does not evaluate any area besides dyslexia. For the majority of students, a “504 dyslexia evaluation” means that other co-occurring disabilities are not identified, which could create Child Find violations and also limit the school in its ability to provide an appropriate education.

Another possibility is that **evaluation personnel are primarily identifying the symptoms of distress** these students feel when their learning differences are not remediated. For dyslexic students specifically, scientific research shows clear links between un-addressed reading difficulties and attention/focus issues, anxiety, depression, school drop out, incarceration, and suicide.<sup>97</sup> Evaluation of these areas without a complete evaluation of learning differences can lead to mis-identification because the relationship between symptoms and causes is not clear without the full picture.

The Texas Region 4 guide, “*Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan*,” offers clear guidance:<sup>98</sup>

“The decision to refer a student for a special education evaluation is a complex process. Multiple sources of data are needed to support a referral decision. In a data-based decision-making process:

1. No one data source can be used to make the decision.
2. For each data source, the context of the data must be considered.
3. Data are interrelated.

Example: It is not sufficient to decide that because the student has passing grades he cannot be referred (use of one data source). The grades may be based on retaking tests or homework in which he receives significant help (context). The student may be receiving numerous accommodations (interrelated data sources)."

Parent reports that district staff is **resistant to looking at the initial grades** as relevant data in grades 5 - 8 when considering if a student is eligible for special education. The MIS/HPMS retest policy makes many students look like strong B students, even if they routinely fail initial assessments. The school does not track this data, and it is incumbent on parents to track this data and present it to the school. Still, campus personnel are reticent to consider the implications of the data. In contrast, the Texas Region 4 guide, *"Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan,"* includes a guiding question regarding grades drawn from Child Find cases: "Were the grades obtained without excessive reliance on redos and/or retakes?"

Parents also report that the district **does not give adequate consideration to the outside support that is provided to a student**, especially if those supports are allowing a student to achieve adequately at school. In contrast, the Texas Region 4 guide, *"Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan,"* encourages schools to consider guiding questions regarding parent support drawn from Child Find cases:<sup>99</sup>

1. Has the parent reported any concerns with health, vision hearing, or motor skills?
2. Has the parent reported any concerns with social, emotional, or behavioral concerns in the home or community?
3. Has the parent reported any concerns with learning/academic progress?
4. Is the student currently receiving or has the student previously received outside, specialized services or tutoring?
5. What type of services are/were provided?
6. How often are/were the services provided?
7. What level of support is required at home to complete school requirements?
8. Has the parent reported any concerns with language and/or communication?

Also, the current process of **how HPISD campuses receive private educational testing** prevents students with dyslexia from accessing eligibility through IDEA. When parents present a comprehensive diagnostic evaluation to any campus representative, the evaluation constitutes a Full and Individual Evaluation (FIE) per IDEA. As such, the campus special education department should receive it immediately and is legally bound to respond to parents within 15 days. Currently, parents are reporting that campuses are not following this mandated process, and, in addition, that some campuses routinely route comprehensive evaluations containing a dyslexia diagnosis to only the 504 coordinator. If comprehensive evaluations noting dyslexia are automatically routed to 504 staff who are not trained to interpret such reports (and not reviewed by special education staff with such expertise), access to the protections and provisions under IDEA are limited for dyslexic students.

Further, the Texas Region 4 guide, *"Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan,"* includes a guiding questions regarding outside evaluations drawn from Child Find cases. The guide also highlights "Hardin-Jefferson ISD, Docket No. 200-SE-0315 (TX 2015)," where the hearing officer found, among other things, that

- The District violated its Child Find obligation when the District received the results of a third-party evaluation and information from a private dyslexia tutor about a Student who had "clear deficits" in reading and spelling and did not conduct a special education evaluation. By the time the

evaluations were received, the Student had received a set of intensive [RTI] services in addition to private tutoring.

- The evaluation, private tutor information and continued parental concerns and requests for evaluation were reasons enough to suspect the Student might be a student with a disability to trigger the Child Find duty.”
- The hearing officer granted the student’s request to confirm the student’s identification as a student with a specific learning disability in need of special education based on deficits in reading and spelling and characteristics of dyslexia on an evaluation not conducted by the district.
- As compensatory relief, the hearing officer granted reimbursement for the outside evaluation and the private tutoring during the one-year statute of limitations period.<sup>100</sup>

Finally, parents report **difficulty when seeking special education eligibility for their dyslexic students via the Specific Learning Difference (SLD) category**. Despite discussions with district staff about a student’s below-average reading ability and the resulting challenges academically and emotionally, parents report district staff responding that eligibility could only be offered in categories such as autism and emotional disturbance. Several families have accepted inaccurate identifications (including autism) for their students – identifications that are contrary to medical evaluations -- understanding it to be the only avenue of receiving the necessary individualized support that an admission to special education provides.

## Areas for Improvement in Instruction and Support

### Dyslexia Intervention Provided Via 504 (vs IDEA)

Not surprisingly given current identification practices, **the great majority of dyslexic students in HPISD are served on a 504 plan (vs an Individual Education Plan (IEP) via IDEA)**.<sup>101</sup> There are significant differences between the two plans, including an IEP’s individualized assessment of a student’s current performance, needed goals and resulting instruction.<sup>102 103</sup> (See Appendix E) In other states, dyslexic students are served by IEPs to ensure that the dyslexia intervention provided is producing results for each student via individualized instructional goals and related progress monitoring. Even in Texas, dyslexia is the only disability that uses 504 plans to deliver instruction (vs. simply providing accommodations).

Currently, HPISD requires students to be identified with a learning disability (dyslexia) to receive *Take Flight*. With this approach, *Take Flight* is an **intervention delivered exclusively to students with learning disabilities via removing them from the least restrictive environment (LRE) of the classroom without the protections of IDEA**. There is no other disability group removed from the classroom for intervention without these federal protections or the provision of individualized goals and progress monitoring related to their disability. Although this approach is not unusual in Texas, other states provide dyslexia intervention via the more robust structure of IDEA.

Also, when dyslexia intervention is provided via 504, **students may need to wait as much as a semester to begin receiving needed reading intervention**. Parents report being told that the campus dyslexia therapist will have “a spot” for their child once another student moves out of the program. In contrast, if a student is served via IDEA, a school cannot delay access to interventions that the school / parent team agrees are needed. This protection ensures the student’s needs are met in a timely manner and that a knowledge gap does not continue to grow while a student waits months to begin receiving needed instruction.

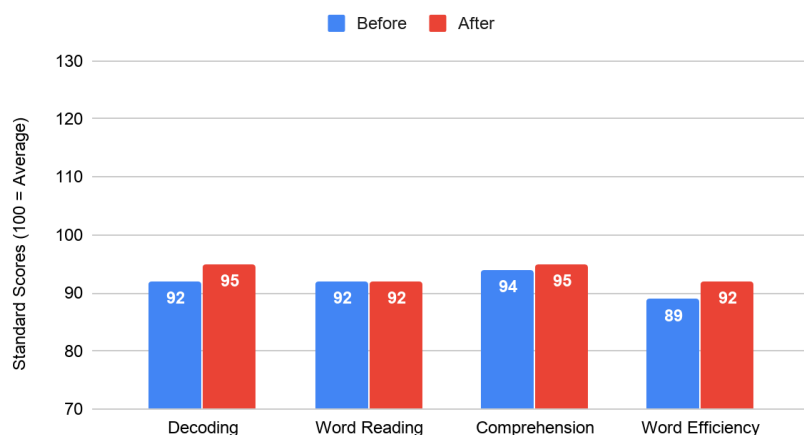
## Single Dyslexia Intervention: *Take Flight*

Once a student is identified with dyslexia, HPISD currently offers a single, district-wide intervention: *Take Flight*. The program is a **standardized, two-year, group-paced reading intervention designed for students in 2nd grade or higher** that HPISD classifies as a general education intervention. It can also be preceded by *Pre-Flight*, a more limited program for children in Kindergarten and 1st grade that does not meet the criteria as a full dyslexia intervention in the Texas Dyslexia Handbook. *Take Flight* was first introduced in HPISD in the 2015-2016 school year.

Parents report asking campus dyslexia therapists about the benefit of providing private dyslexia intervention over the summer to help their children, who are often significantly behind in reading and showing signs of distress as a result. Parents report being **discouraged by district staff from helping their child make reading gains over the summer** because it would disrupt the *Take Flight* groups planned for the fall.

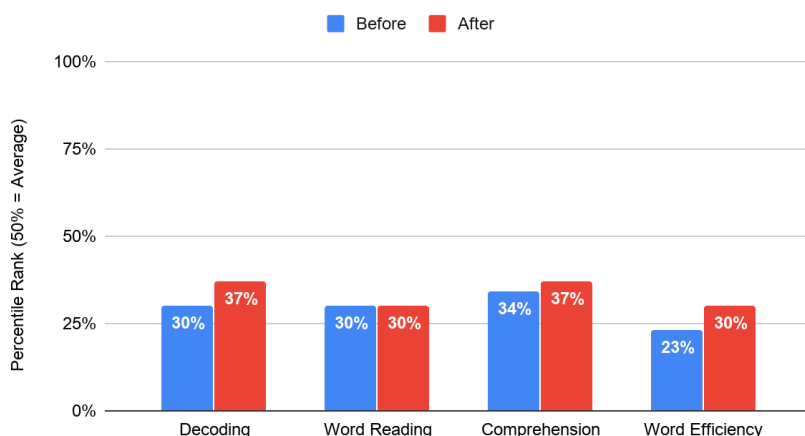
Texas Scottish Rite Hospital research shows that *Take Flight* delivers modest gains when used in a public school setting with groups no larger than 6 students (consistent with program design); HPISD teaches *Take Flight* in groups of up to 10 students.<sup>104</sup> (See Figures 15 - 16)

**Standard Scores of Students Before and After Take Flight**



**Figure 15:** Standard scores of students in 4 reading domains before and after completing *Take Flight* in a public school. 100 represents the 50th percentile. Source: *Take Flight* Research Summary from publisher Texas Scottish Rite Hospital.

### Percentile Rank of Students Before and After Take Flight



**Figure 16:** Percentile ranks of students in 4 reading domains before and after completing *Take Flight* in a public school. Source: *Take Flight* Research Summary from publisher Texas Scottish Rite Hospital.

Parents have often been told by district staff that 95% of dyslexic students only need *Take Flight* in order to “take flight” in their reading. However, it is unclear what the statistics would show for HPISD students who have completed *Take Flight* because the district does not repeat the testing that is used to initially identify dyslexia. Other districts use norm-referenced testing as part of their progress monitoring procedures. For example, a nearby district completes the following 5 tests at initial identification and all except the intelligence test again after one year of *Take Flight* and again after completion of *Take Flight*:

- Kaufman Brief Intelligence Test 2 (KBIT2)
- Woodcock Reading Mastery Test (WRMT)
- Test of Written Spelling (TWS)
- Comprehensive Test of Phonological Processing (CTOPP)
- Gray Oral Reading Test (GORT)

Intentional, comprehensive progress monitoring can provide critical insight into the effectiveness of interventions for district decision making and individual families as they support their children.

The district has recently added a dyslexia addendum to some Individualized Plans (IEPs). One question is “For students eligible under Texas Dyslexia Law, are dyslexia services required?” For some students, “no” is checked with the explanation that they have already completed the two-year *Take Flight* program. This answer **does not address data showing what progress the student has made or what needs may remain, only that he/she has completed a program.**

Parents report that HPISD’s current approach to checking progress is not implemented consistently for all students who are identified with dyslexia. HPISD provides some dyslexic students with a Burns and Roe informal reading check three times a year. Some students also complete a Wilson Assessment of Decoding and Encoding (WADE). It is not clear to parents why some students receive this check-in and others do not. Also, the Burns and Roe is a **much more limited measure than what some districts use and does not provide insight into the core abilities that impact reading.** Some parents report that their students received positive reports on their Burns and Roe data, but further private testing revealed that significant reading deficits still existed. See Appendix F for a comparison of Burns and Roe data and a more in-depth progress monitoring approach used by some districts. Improved progress monitoring could ensure that chosen dyslexia interventions are the most efficient use of both student time and school resources, and avoid further costly intervention in the future that could have been avoided.

**Most dyslexic students need more than two years of a small-group (3-6 students) dyslexia intervention to realize enough gains to reach their reading potential.** When dyslexic students are struggling and reliant upon extensive accommodations (especially needing tests and most instructional material read to them), more reading intervention should be available that is designed for dyslexic students and meets the criteria of the Texas Dyslexia Handbook.

HPISD currently offers Leveled Literacy Intervention (LLI) and Read Naturally interventions, which staff can use with any student and/or with dyslexic students before or after *Take Flight*.<sup>105</sup> However, the publisher of LLI states, “LLI was not specifically designed to meet the needs of students who have been tested and determined to have learning disabilities and been given an IEP.”<sup>106</sup> And, Read Naturally is a computer-based program that focuses primarily on the reading fluency component of intervention. The Texas Dyslexia Handbook states that a computer program should not be used for primary dyslexia intervention because **computer instruction to teach reading is not supported by scientifically-based reading research**.<sup>107</sup> For some grades, Read Naturally is only offered before school, improperly extending a student’s school day to receive access to critical reading intervention.

For some dyslexic students in HPISD who have struggled after the completion of *Take Flight*, Read Naturally is the only intervention provided. **Read Naturally could make sense as a follow-up intervention to address reading fluency, but it does not address the other components of dyslexia instruction named in the handbook and would not universally serve all students with needs after *Take Flight*.** Once a student has finished a complete dyslexia intervention curriculum, **districts are encouraged to provide additional instruction that focuses on the components of dyslexia intervention that “best meet the student’s needs” when a student “continues to need remediation in some, but not all of, the components.”**<sup>108</sup> In such cases, data-based decisions would be made to identify a student’s needs and match them with an intervention. Read Naturally’s main focus is *reading fluency*. **It is unclear what other interventions HPISD has chosen for students who need additional remediation related to the other components of dyslexia instruction named in the handbook: phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, and reading comprehension.**<sup>109</sup> It is also unclear what staff would be trained and available to deliver such intervention.

## ***Take Flight* Not Implemented as Designed**

Also, HPISD has not historically implemented elements of *Pre-Flight* or *Take Flight* per Texas Scottish Rite Hospital (TSRH) guidance.<sup>110</sup>

Texas Scottish Rite Hospital (TSRH) designed *Pre-Flight* for students (typically K-2) who are dyslexic or at risk for dyslexia. **It is not a full dyslexia intervention that meets the criteria of the Texas Dyslexia Handbook.** TSRH recommends that students in *Pre-Flight* should have already been evaluated for dyslexia or should be evaluated as soon as possible. HPISD often provides *Pre-Flight* based on an “at risk” result on a Kindergarten / First Grade screener **without evaluating a student for dyslexia**. This approach is problematic because *Pre-Flight* could partially remediate a child’s dyslexia so that a dyslexia evaluation shortly following it could be inconclusive. However, as the child ages, he/she will be impacted by the unremediated dyslexia yet possibly denied access to the dyslexia identification and related support that he/she may need for a lifetime.

Also, because dyslexia evaluations are not always completed, the basis for whether an “at risk” student no longer needs dyslexia services (such as continuing on with *Take Flight*) is unclear.

TSRH requires anyone who provides *Pre-Flight* to have the same training required to teach *Take Flight*. However, HPISD allows **instructional assistants** to deliver *Pre-Flight*.



TSRH recommends an instructional group size for *Take Flight* between 1-6 students, but HPISD allows **up to 10 students in a group.**<sup>111</sup>

TSRH designed *Take Flight* so that every student must start at Lesson 1 of the program. At times, HPISD **places new students with no prior dyslexia intervention into groups that have already completed 25%-50% of the program**, which is not consistent with how the intervention is designed and reduces its effectiveness.

These deviations from *Take Flight* protocol are out of compliance with the Texas Dyslexia Handbook, which says, "In addition, because effective intervention requires highly structured and systematic delivery, it is critical that those who provide intervention for students with dyslexia be trained in the program used and that the program is implemented with fidelity."<sup>112</sup> The deviations are also predictable outcomes of the increased caseload of current dyslexia therapists described below. (See Figure 17)

## Professional Development: Improve Language / Literacy Instruction

Research shows that only 17% of teachers feel very well prepared to teach students with mild to moderate learning disabilities. Only 50% of teachers feel strongly that students with learning differences can achieve grade-level standards, a misperception that is damaging to the dynamic of teacher-student interaction.<sup>113</sup>

Steve Dyskstra, a psychologist and reading advocate with more than 25 years experience recently said, "Most of the instruction for dyslexic students will occur in the regular classroom. The identification of dyslexia will begin in the regular classroom. Understanding the treatment of dyslexia requires an understanding of reading and reading instruction that benefits all children in the regular classroom. **Understanding dyslexia is essential to classroom teachers and a lack of understanding is harmful.** Saying otherwise is analogous to saying your internist doesn't need to understand heart disease because heart disease is treated by a specialist."<sup>114</sup>

The Texas Dyslexia Handbook says,

**"To what degree are *classroom* teachers trained to recognize characteristics of dyslexia, its remediation, and accommodation in regular content classes?**

Continuing education for "an educator who teaches students with dyslexia **must** include training regarding new research and practices in educating students with dyslexia" (TEC §21.054(b)).

Such training may be offered in an online course (TEC §21.054(c)). **Local policy will determine the number of professional development hours classroom teachers receive regarding the characteristics of dyslexia, its remediation, and accommodations in regular content classes.**"<sup>115</sup>

Several nearby districts frequently send classroom teachers, dyslexia therapists, and dyslexia coordinators to on-going dyslexia training (well beyond minimum requirements) at the Region 10 Education Service Center, the annual July state dyslexia conference hosted by Region 10, and the International Dyslexia Association regional and national conferences, to name a few. Virtually all of the training available to districts at Region 10 is free.



## Accommodations: Lack of Compliance

Accommodations are changes to materials, actions, or techniques that **enable students with disabilities to participate meaningfully** in grade-level instruction. Accommodations don't change *what* a child learns; rather, they change *how* a child learns.<sup>116</sup>

Parents report that they **lack of understanding about what accommodations might be helpful** to a dyslexic student and have difficulty receiving guidance from campus staff on the issue. Parents also report **difficulty obtaining accommodations** for their children that are recommended by Region 10<sup>117</sup>, the Texas Education Service Center that is the hub for providing dyslexia assistance to all Texas public schools.

Some parents report that even after students have completed the two-year program of *Take Flight*, they remain **heavily reliant on extensive accommodations** (such as having tests read to them) even in elementary school. While accommodations help "level the playing field" for students with disabilities, accommodations do not replace the need for explicit instruction; instead accommodations change how a student receives information or demonstrates learning.

Also, students who are heavily reliant on accommodations will be vulnerable based on whether or not teachers comply at every stage of their education (including college). Since many dyslexic students won't reach their academic potential with the *Take Flight* program alone, the district must provide excellent accommodation compliance at every level for these students to access the same educational opportunities as their peers.

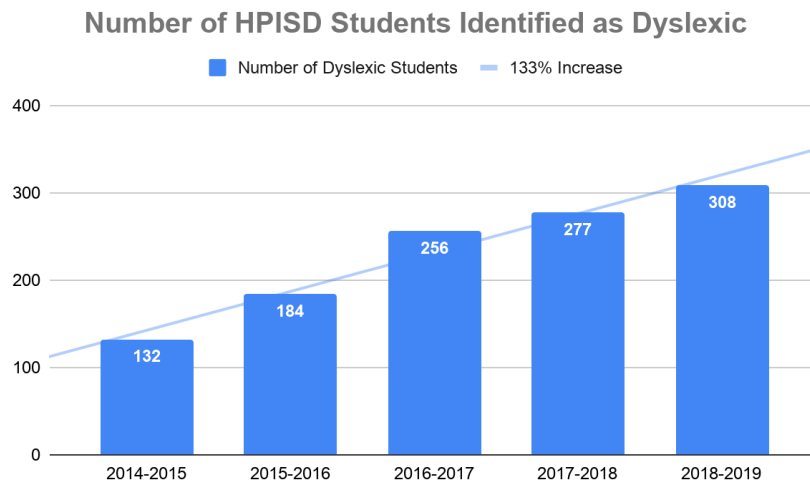
Parents report **notable difficulty with accommodation compliance after elementary school, even once they have involved campus administration**. Parents report that staff generally offer only common dyslexia accommodations and also attempt to remove accommodations that parents believe are necessary (such as extra time, oral administration of assessments, copy of notes, etc). Parents report difficulty finding the flexibility described in the Texas Dyslexia Handbook: "Accommodations are not one size fits all; rather, **the impact of dyslexia on each individual student** determines the necessary accommodation." The handbook also notes, "Decisions about which accommodations to use are very individualized and should be made for each student . . ." <sup>118</sup>

## Areas for Improvement in Resources

Many challenges previously noted could result from insufficient resources to serve students with dyslexia, especially if HPISD intends to approach national, state, and regional norms for the identification of students with dyslexia and their inclusion in special education.

### Limited Staff: Dyslexia Therapists

Beginning with the 2014-2015 school year, the TEA has required districts to report how many students are identified as dyslexic. HPISD identification of students with dyslexia have increased steadily from 1.9% to 4.5% since 2014, but still does not approach the national norm of 15%. (See Figure 17)



**Figure 17:** Total number of students identified as dyslexic in HPISD from 2014-2019. Source: Texas PEIMS data.

However, **while dyslexia identification rates have increased 133% and the responsibilities of dyslexia therapists have increased, staffing has not changed.** Each campus still has one dyslexia therapist, who is responsible for:

- initial dyslexia evaluations under 504 process
- dyslexia intervention (currently *Take Flight*)
- Pre-Flight for early elementary students (many of whom are not identified as dyslexic because they have not been evaluated; therefore, they are not reflected in the student numbers above)

The increased caseload of dyslexia therapists is likely related to the ways *Take Flight* implementation is currently not aligned to the program’s design. Furthermore, dyslexia therapists are not available to instruct dyslexic students who still need reading intervention following *Take Flight*. Also, current staffing levels limit other improvements that could be made in dyslexia services.

## Limited Staff: Serving Dyslexic Students Via IDEA

Because HPISD has historically identified and served dyslexic students via the 504 route, the **resources to identify and serve dyslexic students via IDEA are underdeveloped.** While state leaders celebrate a 56% increase in special education evaluations in the last three years, HPISD Full and Individual Evaluations (FIEs) have dropped 9%. (See Figures 13 and 14) In 2018-2019, HPISD evaluated 146 students for special education. If the district followed state trends over the last three years, HPISD would have evaluated 250 students in 2018-2019. It is doubtful current staffing levels could absorb an increase of 100 evaluations and still meet federal and state timeframes for evaluations (15 days to respond to evaluation request, 45 days to complete evaluation, 30 days to conduct ARD meeting).<sup>119</sup>

Also, **district evaluation personnel in the special education department are not identifying Specific Learning Disabilities (including dyslexia) at rates that match national, state, and regional norms** (see Figure 12). Because HPISD rates for Specific Learning Disabilities (SLD) have historically been low, the **resources in this area are underdeveloped.**

IDEA describes the Specific Learning Disability category as “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. Such term includes such conditions as . . . dyslexia.”

Parents report having difficulty obtaining IDEA eligibility even when evaluation reports (either obtained privately or provided by the school) show their child qualifies for IDEA services via Specific Learning Difference (SLD), often by **scoring below the 16th percentile** (standard scores of 85) on formal testing that measures these areas.

**Some parents report that campus staff agree their child meets criteria for SLD but disagrees that the child has “educational need” for “special education services.” Other parents report that their child did meet standard criteria for SLD, but the district did not reflect that eligibility in the evaluation.** In districts where a more appropriate proportion of students are served via SLD, schools have more knowledge, resources, and staff to support these students. When resources are limited as in HPISD, SLD eligibility could be limited because available supports are limited, not because they are not needed. Until sufficient resources and knowledgeable personnel are deployed to identify and serve these students, this challenge will remain.

Also, parents of dyslexic students report that district staff often characterize “educational need” as a limited, academic scope that often focuses primarily on classroom grades and standardized test scores. In contrast, IDEA described educational needs from a broader perspective:

“The stated purpose of the IDEA is: to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services **designed to meet their unique needs** and prepare them for further education, employment, and independent living. . . .”<sup>120</sup>

Parents of dyslexic students who have IEPs for other needs (such as speech therapy and ADHD) report that district staff often **limit the scope of IEPs to only the areas of eligibility vs. fully incorporating the individual needs of the student.** In particular, parents have difficulty obtaining IEPs that reflect student needs related to dyslexia.

Parents report IEPs containing either no dyslexia goals or minimal dyslexia goals that do not reflect recent TEA guidance,<sup>121</sup> with goals such as “Grade Level List Reading: ‘independent’ on grade level.” Parents also report being told that no goals could be offered for a core skill, such as reading comprehension, because dyslexic students will always struggle with comprehension (an unsubstantiated assertion). Other districts provide appropriate, dyslexia-specific goals related to the core components of dyslexia intervention for students with IEPs, whether they are served by small-group curriculum (such as *Take Flight*) or individually.

Parents of dyslexic students also report that the “Present levels of academic achievement and functional performance” section of IEPs do not follow recent guidance from the TEA regarding dyslexia in an IEP.<sup>122</sup>

Also, parents report an **inability to obtain instructor-led, specialized reading instruction designed for dyslexic students for students in special education who have completed *Take Flight* and yet have not reached their reading potential.**

The Texas Region 4 guide, “*Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan*,”<sup>123</sup> highlights “Reisel ISD, Docket No. 102-SE-1115 (TX 2016)” where “Child had been in special education. Parents felt that District did not timely and appropriately address the decoding, morphology, and other reading skills of Student and determine he was dyslexic.” The

hearing officer found the “Student had specific needs in the area of dyslexia instruction. The **program developed by the District did not include goals and objectives related to the special education dyslexia instruction.**” The hearing officer awarded “compensatory services (1:1 tutoring by a dyslexia specialist)” based on “lost hours of instruction.”

Parents of dyslexic students served via IDEA also report that district staff have informed them that the on-going dyslexia progress monitoring described at the annual HPISD dyslexia parent meeting is not available for their children. Instead, they are told their students will be monitored via special education staff. However, parents are unaware of any dyslexia-specific data that special education staff are collecting on a regular basis. Also, because so few dyslexic students have historically been served via IDEA in HPISD, current staff have very little knowledge of dyslexia to understand how it may be impacting a student. **The decision to provide less dyslexia-specific monitoring to students served by IDEA (who likely have more complex cognitive profiles) is concerning.**

Without additional resources and training to provide specialized instruction to dyslexic students, district staff will be understandably incentivized *not* to identify dyslexic students for special education. Improvements in these areas will require increased staffing, new curriculum, and professional development of staff in areas such as dyslexia evaluations, IEP development, and dyslexia intervention.

## IMPROVEMENT AND INNOVATION

While HPISD’s staffing and approach to serving students identified as dyslexic has been relatively unchanged the last 5 years, other nearby district have increased training, staffing, and innovation. Districts such as Richardson, Frisco, and Garland have substantially increased their dyslexia budgets, train all teachers to identify dyslexia, offer several research-based dyslexia intervention programs, limit groups to 4 to 6 students, allow students to move at an appropriate individual pace through the curriculum, and created powerful family-district partnerships. Other districts also perform norm-referenced exit testing to ensure progress has been made<sup>124</sup> and provide more robust progress monitoring plans.

Frisco ISD has even become the first public school in the nation accredited to train certified dyslexia teachers, which allows them to create a pool of qualified teachers to serve dyslexic students. The links in the footnotes describe initiatives in all three districts resulting from the “passion and commitment” of dyslexia therapists and district leadership.”<sup>125 126 127</sup>

## Services to Students with Dyslexia \$2 Million Grant

In the spring of 2018, the TEA launched a “**Services to Students with Dyslexia**” grant for **\$2 million in grant funds for each of the selected 10 school districts** (\$1 million initially with the option to renew the grant for one year resulting in up to \$2 million in total funding).<sup>128</sup> A diverse group of 44 Texas districts (both larger and smaller than HPISD) applied for the funds, which were designated to “implement innovative programs that effectively address the unique academic and functional needs of students with dyslexia” beginning in the 2018-2019 school year.<sup>129</sup>

Despite increasing numbers of dyslexic students and district-wide financial constraints, **HPISD did not apply for the grant.** It is not clear to parents why HPISD chose not to apply or who leads grant writing initiatives in the district.

The grant was created after significant national attention regarding the shortcomings of dyslexia services in Texas public schools. Further, the grant focused on students enrolled in third grade or lower, which would have targeted the growing number of HPISD students not meeting grade-level reading standards on the Grade 3 STAAR assessment. (See Figure 3)

The grants were awarded to districts that already had dyslexia programs in place and proposed varying **innovative initiatives such as:**

- Increasing the number of students who are identified and enrolled in dyslexia services by the beginning of 1st grade to increase the odds they will read on grade-level by the end of 3rd grade
- Implementing a variety of dyslexia intervention curricula to target the full spectrum of educational needs and abilities of dyslexic learners
- Revising curriculum in all core subjects to embed strategies that reflect best practices for reading attainment that address not only dyslexia but also commonly co-occurring conditions such as dysgraphia, ADHD, executive function, speech, etc
- Hiring and training dedicated dyslexia evaluators for early elementary grades, eliminating or reducing the need for existing dyslexia therapists to perform student evaluations, which decreased their time for student instruction
- Increasing dyslexia training for special education teachers in order to improve general dyslexia awareness, as well as the ability to provide high quality dyslexia intervention
- Increasing parent engagement from two meetings a year to more frequent, small-group parent meetings that encourage interaction, provide opportunity to address concerns, and teach parents about risk factors for dyslexia to increase early identification in younger siblings, who are at higher risk of dyslexia
- Improving progress monitoring and parent engagement with teacher / parent meetings to discuss progress every 9 weeks and student data provided to parents every 3 weeks

The grant also emphasized integration of **substantial feedback from stakeholders** (parents, educators, and community members) **plus collaboration with other school districts, education service centers (ESCs), and universities.** Grant-winning districts created strategic planning teams that included:

- Educators
- Parents
- Community members
- Education Service Center Region consultants
- University of Texas at Austin
- University of North Texas
- Sam Houston State University
- Dyslexia Center of Austin
- Multisensory Teaching Approach (MTA) therapists
- Lone Star Literacy Institute
- Read Fort Worth
- Neuhaus Education Center
- District special education advisory committees
- Private psychologists

- Other districts
- External evaluators (to ensure program effectiveness)

One district that was chosen shared that the grant proposal was “just a first step in creating a comprehensive curriculum that addresses and supports reading attainment by those who show a need for intervention in the early years.”<sup>130</sup>

## RISKS OF MAINTAINING CURRENT APPROACH

### Current Legal Developments Regarding Dyslexic Students

The legality of Texas’ approach to classifying pull-out dyslexia intervention programs (like *Take Flight*) as a general education intervention that can be provided via a 504 plan is currently the subject of scrutiny.

A recent October 2019 decision from the United States District Court for the Western District of Texas (Waco Division) indicates that the federal judiciary would characterize this type of educational intervention differently. In *William V. v. Copperas Cove Indep. Sch. Dist.*, the court rejected a Texas public school’s assertion that a dyslexic student who demonstrated a need for dyslexia intervention was not a student with a “Specific Learning Disability” with a “need” for special education services under IDEA.<sup>131</sup> Specifically, the court found that because “**IDEA’s statutory language explicitly includes dyslexia as a disorder included as an SLD**” the TEA hearing officer “erred in concluding that [the student] did not have an SLD.” (*William V.* at \*10, emphasis added). The court also noted that “*The [Texas] Dyslexia Handbook* that the District cites for support gives background on how dyslexia is diagnosed; however, it does not provide any support for the District’s argument that dyslexia is not an SLD.” The court went on to find that the student “was still in need of specifically designed instruction to address the unique needs associated with his dyslexia.” The court then concluded, on the basis of these two findings, that the student “[was] a child with a disability’ as defined by the IDEA” and held that the school district had procedurally violated IDEA by failing to qualify the student as such. (*Id.* at \*14.)

The Court went on to note that the **dyslexia diagnosis alone constituted an eligible condition** and that “[s]uch a diagnosis negates the need for additional testing to determine SLD status and the District’s discretion in making such a determination.” The “specifically designed instruction” at issue in *William V.* was the Wilson Reading dyslexia curriculum (a program similar to *Take Flight* in content and delivery). The Court in *William V.* expressly deemed the plaintiff student’s small-group dyslexia intervention to be special education intervention. Conversely, most school districts in Texas (including HPISD) categorize these dyslexia intervention curricula (similar to *Take Flight*) as general education interventions.

Finally, the Court ruled that the school district violated the procedures of IDEA by removing the student from special education when he completed speech therapy, holding that the student was still eligible for special education because of his SLD and resulting need for dyslexia intervention using the Wilson Reading program. Because “**by reason of his SLD, [the student . . . still need[ed] special education and related services, [the Court deemed the student to be] a ‘child with a disability’ as defined by the IDEA,**”

**This ruling calls into question the sustainability and appropriateness of providing dyslexia intervention outside the provisions and protections of IDEA.** It also calls into question HPISD’s flowchart<sup>132</sup> showing the process of dyslexia identification, as the district does not currently recognize *Take Flight* as ‘specially

designed instruction' provided pursuant to IDEA. Applying the reasoning of the Court in *William V.*, HPISD's current identification practices seem to violate IDEA procedures.

## Increased TEA Monitoring of Indicators that Indicate a Move from Compliance to Best Practice

In response to the federal corrective action plan, the TEA plans to increase special education monitoring by reviewing 20% of districts each year via an on-site visit or desk review, with many districts chosen at random. Reporting of annual special education evaluations (see Figure 14 above) is a federal requirement and factors into a district's score on the Results-Driving Accountability (RDA) report. TEA's current monitoring emphasizes moving beyond compliance into best practice and continuous improvement.<sup>133</sup>

## BENEFITS TO IMPROVED SERVICES FOR STUDENTS WITH DYSLEXIA

In addition to providing an appropriate education for dyslexic students, **improving HPISD's dyslexia services would also benefit HPISD**. Currently, approximately 100 families have dyslexic children attending private schools. If those families returned to the district, the increased enrollment would help bolster the low occupancy numbers in the five elementary schools. The parents could also **volunteer time and provide financial support** to the schools, both of which are impacted when a family sends a child to school out of the district, even if other children remain in HPISD.

The May 2019 passage of House Bill 3 adds specific funding for dyslexia students for the first time. The dyslexia allotment for the 2019-2020 school year is \$616 per student.<sup>134 135</sup> HPISD could use this additional funding to spend more on dyslexia services or allow the new funds to replace general funds that are currently spent of dyslexia services, keeping the overall dyslexia budget the same. It is the hope of parents that the new funds will be added to existing funds spent for dyslexia services.

SECTION 1.027. Subchapter C, Chapter 48, Education Code, as added by this Act, is amended by adding Section 48.103 to read as follows:

Sec. 48.103. ALLOTMENT FOR STUDENT WITH DYSLEXIA OR RELATED DISORDER. (a) Subject to Subsection (b), for each student that a school district serves who has been identified as having dyslexia or a related disorder, the district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 or a greater amount provided by appropriation.

**Figure 18:** Text from House Bill 3 related to new dyslexia allotment in Texas public schools.

For each student who returns to HPISD, depending on how they are served, the **district could receive funds** from their attendance, from the new Texas House Bill 3 dyslexia allotment, from House Bill 3's increased weight for special education students served in mainstream classrooms, and from IDEA funds (See Figure 19).<sup>136 137</sup> The increase of 110 students returning to HPISD alone, regardless of how they are served, would add \$677,600 to the district's annual revenue.<sup>138</sup> If HPISD's dyslexia / IDEA identification rates increased to mirror national norms and fewer students left for private school, the combination of funds from these sources would create a significant inflow of funds and provide resources to improve HPISD's support of dyslexic students.<sup>139 140 141</sup>

FUNDING SOURCES	HPISD Today		HPISD Today Plus return of 110 students from private school		HPISD Future Return of 110 students & meeting national dyslexia / IDEA norms	
	Students	Funds	Students	Funds	Students	Funds
Attendance (TEA)	—	—	110	\$677,600	110	\$677,600
Dyslexia (TEA)	308	\$189,728	418	\$257,488	1,026	\$632,016
SLD / Mainstream (TEA)	15	\$104,674	21	\$142,057	277	\$1,881,045
Funds for district		—		\$677,600		\$677,600
Funds for dyslexia students		\$294,402		\$399,545		\$2,513,061
Total		\$294,402		\$1,077,145		\$3,190,661

**Figure 19:** Three funding scenarios based on number of dyslexic students enrolled in HPISD and the services they receive. Sources: Website “How HPISD Builds Its Budget,” Texas PEIMS data, and two TEA presentations on HB3 finances cited in footnotes.

## MOVING FORWARD

HPISD is a leader in many areas and has earned a strong reputation for excellence and innovation. **Parents of students with dyslexia hope that the district’s education of dyslexic students will soon earn an equal reputation. With pioneering leadership and support, HPISD could no doubt achieve state-wide recognition in this area as well.**

## Overview

Parents believe that the following steps, outlined briefly here, merit further consideration as our district moves beyond the status quo. Further information is provided in the “Discussion” section that follows.

- Convene a diverse task force of stakeholders (HPISD educators, HPISD parents of dyslexic students, Region 10 ESC dyslexia staff, state-wide experts, and community members) to explore the concerns noted in this report, especially as relates to HPISD’s budget in 2020-2021 and future years.
- Ensure high-quality, evidence-based core instruction in reading and writing that both aligns with the science of teaching reading and also benefits all students in the classroom.
- Provide significant, high-quality additional training for all school staff and teachers on ‘red flags’ that could indicate dyslexia, the common characteristics and impacts of dyslexia, and on the process of referring a student for a Full and Individual Evaluation (FIE).
- Educate all parents of students who are identified “at-risk” through Kindergarten /1st-grade screeners (or other monitoring) by providing those parents with written information about evaluation and intervention options available to all “at-risk” students.



- Impose an affirmative duty upon each school to refer a child for a Full Individual Evaluation that assesses the whole child (bearing in mind that 60% - 85% of dyslexic students also have other co-occurring conditions – e.g., ADHD, dysgraphia, processing-speed delay), as soon as suspicion of dyslexia is raised by district staff or parents.
- Review existing systems and identify ways to bring HPISD identification in line with national averages for students served by IDEA and in the category of Specific Learning Disability (SLD, where dyslexia is named).
- Provide instructor-led options for dyslexia intervention after *Take Flight* for students who need more than a single, group-paced curriculum (often completed in elementary school) in order to reach their reading potential in high school and beyond.
- Integrate “SMART” goals into all reading intervention (RTI, *PreFlight*, *Take Flight*, *IEP goals for reading*) for all students to ensure that reading intervention is working, and, if not, to ensure that adjustments are made in a timely manner. (“SMART” = Specific, Measurable, Attainable, Results-oriented and Time-bound).
- Align Individualized Education Plans (IEPs) of dyslexic students with national and state guidance. Student disability plans should address all areas of need, including dyslexia, in the foundational areas of the document.
- Use consistent evaluation criteria (norm-referenced diagnostic reading tests) to move students into and out of dyslexia intervention so that educators and parents can assess growth in foundational reading skills and so that dyslexia intervention is not discontinued before students reach their reading potential.
- Provide significant training to principals, campus administrators, and teachers about accommodations so that each campus provides excellent accommodation compliance.
- Strengthen collaboration between district staff and parents to increase understanding, transparency and effectiveness related to HPISD’s support of dyslexic students.
- Establish annual report to the HPISD Board of Trustees about dyslexia services. Annual reporting would also provide increased transparency surrounding the process of the identification, instruction, and accommodation of students with dyslexia.

## Discussion

Below is further discussion of the next steps listed in the “Overview” section above.

- **Convene a diverse task force of stakeholders (HPISD educators, HPISD parents of dyslexic students, Region 10 ESC dyslexia staff, state-wide experts, and community members) to explore the concerns noted in this report, especially as relates to HPISD’s budget in 2020-2021 and future years.** See Appendix G for National Reading/Dyslexia Experts involved in supporting Texas public schools.

**Task Force participants could include:**

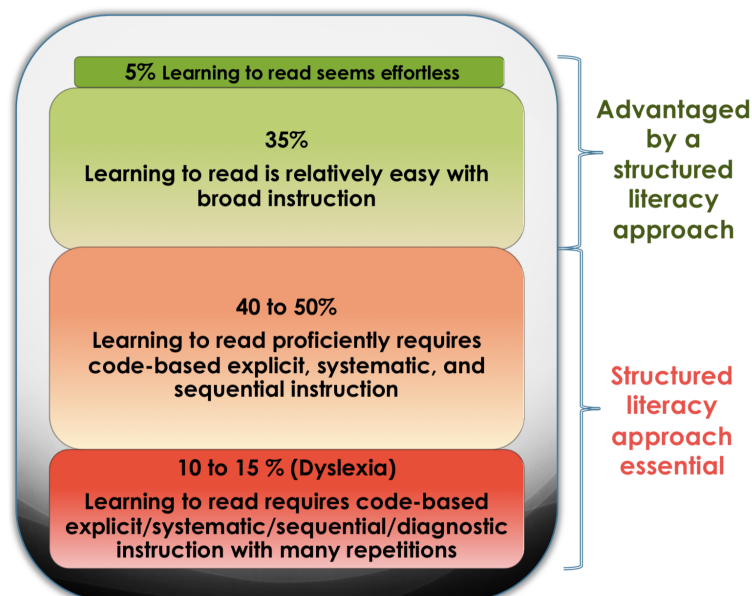
- 4 HPISD representatives

- 2-3 parents of dyslexic students
- 4 local / regional experts (re: dyslexia, evaluation, intervention, science of reading, RTI, and curriculum)
- Region 10 Educational Service Center dyslexia consultant

A diverse task force of stakeholders could work collaboratively to consider objectives such as:

- Reviewing core instruction in reading and writing to ensure it aligns with the science of teaching reading and can benefit all students in the classroom
- Exploring how the current HPISD dyslexia process (identification, intervention, and accommodation) is aligned with state and federal guidelines.
- Evaluating the quality and effectiveness of current dyslexia interventions.
- Exploring why 26% of dyslexic students living in HPISD are attending private school...and what the district can change to bring them back.
- Exploring cost-effective options for reading/dyslexia curriculum and staff development in reading practices that benefit all students.
- **Ensure high-quality, evidence-based core instruction in reading and writing that aligns with the science of teaching reading and also benefits all students in the classroom.**<sup>142 143</sup>

The newly passed House Bill 3 recognizes how critical district-level decision making is in the choice of reading / writing curriculum, since research shows **only 40% of students will learn to read relatively easily regardless of the curriculum, while 60% of students will require a structured approach to literacy to read successfully.**<sup>144 145</sup> (See Figure 20) The quality of initial reading instruction impacts how many students are identified as “at risk” on Kindergarten and First Grade dyslexia screeners since 60% of students need a structured literacy approach. And, the lack of such an approach has a disproportionate impact on students who are dyslexic. High quality initial instruction reduces the need for expensive, time-consuming intervention for many students.



**Figure 20:** A comparison of individuals who require an explicit, sequential, systematic, phonics-based approach to learn to read (structured literacy) compared to the small proportion of individuals who learn to read effortlessly. A structured literacy approach to beginning reading is advantageous for most students. Source: Nancy Young infographic based on 4 research studies: Lyon, 1998; NRP, 2000; IDA, 2015; Hempenstall, 2016.

Third grade literacy is a statewide priority noted in the TEA Strategic Plan 2017-2021, which aims to “ensure that our youngest students are **capable of reading and doing mathematics at grade level by third grade because a strong foundation sets students on a path to academic success and helps prevent expensive taxpayer-funded remediation later in life.**”<sup>146</sup> Often, expensive taxpayer-funded remediation comes in the form of intensive reading interventions for students who were not reached by the core curriculum or first-line interventions in the early grades. HPISD has adopted a core curriculum and first-line intervention that were not designed for the needs of the 15-20% of students who are dyslexic (Lucy Calkins “Units of Study” and Leveled Literacy Intervention (LLI), both published by Heinemann).<sup>147 148</sup>

**These expenses could be significantly reduced if schools adopted a Structured Literacy approach**, which emphasizes “highly explicit and systematic teaching of all the important components of literacy. These components include both foundational skills (e.g., decoding, spelling) and higher-level literacy skills (e.g., reading comprehension, written expression).”<sup>149</sup> Also, if “educators are prepared to implement this kind of instruction, and are given appropriate instructional materials, they **can reach a much wider range of children** than with typical literacy practices.”<sup>150</sup> Dr. Steven Dykstra, a psychologist well-known in the field of effective reading instruction, has said, “Every child is at risk of not reading until they can read. What we should do about that is good for everyone, essential for some, and harms no one.”<sup>151</sup>

Emily Hanford, an award-winning education reporter, has sparked a national conversation and led some districts and states to reconsider their literacy approaches with her documentaries “Hard Words: Why aren’t kids being taught to read?”<sup>152</sup> and “At a Loss for Words: How a flawed idea is teaching millions of kids to be poor readers.”<sup>153</sup> Her articles include discussion of balanced literacy (HPISD’s literacy approach), “Units of Study” by Lucy Calkins (HPISD’s K-8 literacy curriculum), and Leveled Literacy Intervention (HPISD’s first-line reading intervention).

House Bill 3 requires new K-6 teachers to demonstrate proficiency in the science of teaching reading.<sup>154</sup> HPISD could train existing teachers in this as well with LETRS, a cost-effective professional development course that bridges deep, meaningful research into practical classroom success.<sup>155</sup> LETRS has been used with success in other area districts. Along with using LETRS for cost-effective professional training, Reading Rockets, a national public media literacy initiative, offers no cost research-based strategies and on-line professional development related to training teachers how to teach reading to all students and how to effectively help struggling readers. These cost effective trainings are available to teachers and administrators to increase educator knowledge and skills while helping all students become strong, confident readers.<sup>156</sup>

- **Provide significant, high-quality additional training for all school staff and teachers on ‘red flags’** that could indicate dyslexia, the **common characteristics and impacts** of dyslexia, and on **the process of referring a student for a Full and Individual Evaluation (FIE)**. There are many national reading / dyslexia professionals involved in supporting Texas public schools who HPISD could partner with to provide high-quality, on-going professional development. (See Appendix G) There are also professional development opportunities at the Region 10 Educational Service Center

(typically at no cost), the annual July state dyslexia conference, and the International Dyslexia Association regional and national conferences. Staff including administrators, principals, dyslexia therapists, instructional coaches, and classroom teachers could benefit from this type of professional development.

- **Educate all parents of students who are identified “at-risk” through Kindergarten /1st-grade screeners (or other monitoring) by providing those parents with written information about evaluation and intervention options available to all “at-risk” students.** Currently, the “at risk” letter is often sent home in the backpack of a young child without follow-up from the campus. The letter that is typically sent home to parents of “at risk” students does not mention research-based dyslexia intervention or next steps a parent can / should take if they suspect dyslexia. There is also no mention of the possibility of the school providing an evaluation to identify dyslexia. Also, parents must make a request to the school to see their child’s data that led to an “at risk” designation. The Texas Dyslexia Handbook says it should be provided automatically.<sup>157</sup>
- **Impose an affirmative duty upon each school to refer a child for a Full Individual Evaluation that assesses the whole child (bearing in mind that 60% - 85% of dyslexic students also have other co-occurring conditions – e.g., ADHD, dysgraphia, processing-speed delay), as soon as suspicion of dyslexia is raised by district staff or parents.** This is the Child Find mandate in IDEA.<sup>158</sup> Once an evaluation is complete, the school and parents can work together to identify how the child can best be supported.
- **Review existing systems and identify ways to bring HPISD identification in line with national averages for students served by IDEA and in the category of Specific Learning Disability (SLD, where dyslexia is named).** Considerations could include identifying avenues for dyslexic students to be eligible, reviewing HPISD’s current dyslexia assessment model (that mirrors the Texas Scottish Rite Hospital model and is closely tied to Take Flight) and considering the broader, more inclusive assessment model of the Texas Dyslexia Handbook, updating testing instruments to ensure dyslexia characteristics are fully investigated, training some evaluation personnel with a specialization in dyslexia evaluations, employing the expertise of the current dyslexia evaluation committee in reviewing FIE evaluations, and providing additional dyslexia evaluation training for evaluation personnel who don’t typically evaluate for dyslexia.
- **Provide instructor-led options for dyslexia intervention after *Take Flight* for students who need more than a singular, group-paced curriculum (often completed in elementary school) to reach their reading potential for high school and beyond.** This will require purchasing new curriculum and hiring and/or training more staff to deliver dyslexia intervention. In addition to *Take Flight*, HPISD could consider adding well-known, evidence-based curriculums used in other schools, such as Wilson, MTA, RAV-O, and Language! Live. Access to multiple curriculums helps ensure planned interventions are matched with student needs, as each program has strengths and weaknesses. Multiple programs also provide a way for students to receive support for more persistent weaknesses in one or more of the components of dyslexia intervention, as described in the Texas Dyslexia Handbook.
- **Integrate “SMART” goals into all reading intervention (RTI, *PreFlight*, *Take Flight*, *IEP goals for reading*) for all students to ensure that reading intervention is working, and, if not, to ensure that adjustments are made in a timely manner. (“SMART” = Specific, Measurable, Attainable, Results-oriented and Time-bound).**

- **Align Individualized Education Plans (IEPs) for dyslexic students with national and state guidance. Student disability plans should address all areas of need, including dyslexia, in the foundational areas of the document** including: present levels of academic achievement and functional performance, measurable annual goals (and related progress monitoring), and accommodations.

If dyslexia is not incorporated properly into an IEP, parents report being told that their child's eligibility for special education will end when services like speech therapy conclude and that the student will automatically be served on a 504 plan instead.

Improvements in this area would necessitate training on how to use the goals and progress monitoring of an IEP to track growth in the critical, evidence-based components of dyslexia instruction defined in the Texas Dyslexia Handbook.<sup>159 160</sup> All IEP goals should meet the "SMART" goal standard: Specific, Measurable, Attainable, Results-oriented and Time-bound.<sup>161</sup>

- **Use consistent evaluation criteria (norm-referenced diagnostic reading tests) to move students into and out of dyslexia intervention so that educators and parents can assess growth in foundational reading skills and so that dyslexia intervention is not discontinued before students reach their reading potential.**

Currently, HPISD uses one set of evaluation criteria to move a student into dyslexia intervention and then a different set of evaluation criteria to move a student out of dyslexia intervention. HPISD could reinstate the past district approach of using the same norm-referenced diagnostic reading tests (like the GORT, WRAT, Woodcock Reading Mastery Test, etc) for pre- and post-intervention evaluations so decisions to discontinue dyslexia intervention would be based on comparable information.<sup>162</sup> The district could set targets to identify successful remediation so that staff and parents have transparency about what ability / progress must be reached before discontinuing intervention. Current progress monitoring by HPISD (*Take Flight* curriculum measures, STAAR, MAPs, Leveled Literacy Interventions, Fountas & Pinnell) fall short in this area because they do not directly measure the components of reading that need to be remediated per the Texas Dyslexia Handbook,<sup>163 164</sup> nor are there defined, numerical targets used to identify successful remediation or lack of progress.

Classroom grades are also used to decide if a student needs continued dyslexia intervention, but this is very problematic in grades 5-8. The MIS/HPMS retest policy makes many students look like strong B students, even if they routinely fail initial assessments. Based on parent reports, district staff is resistant to looking at the initial grades as relevant data when considering student progress. In contrast, the Texas Region 4 guide, "*Identification, Evaluation, and Offer of FAPE: Guidance Document for TEA Special Education Strategic Plan*," includes a guiding question regarding grades drawn from Child Find cases: "Were the grades obtained without excessive reliance on redos and/or retakes?"<sup>165</sup>

On-going progress monitoring, classroom support, and staff education is also needed to understand how the reading challenges faced by dyslexic students impacts their academic work in all subjects and to identify needed supports.<sup>166</sup> HPISD staff described progress monitoring procedures at a recent district meeting for parents of dyslexic students in October 2019, but parents with experience on some of the campuses reported no prior knowledge of or experience with such monitoring, including parents of students who have failed classes and STAAR exams.

- **Provide significant training about accommodations to principals, campus administrators, and teachers so that each campus provides excellent accommodation compliance.** Increased expectations from administrators that teachers will support dyslexic students in meaningful ways and the provision of high-quality training to assist with implementation is a cost-effective way to provide needed improvement. Training could include an understanding of accommodations as a “level playing field” (vs. an unfair advantage), the necessity of compliance, and strategies for managing accommodations effectively in the classroom.
- **Strengthen collaboration between district staff and parents to increase understanding, transparency and effectiveness related to HPISD’s support of dyslexic students.** Parents would love to know how can they support the district and work together on behalf of students who are dyslexic. For example, all of the districts who were awarded \$2 million grants involved parents in planning their proposal. Just as in other areas of HPISD, parents want to be involved and support those who are teaching their children.
- **Establish annual report to the HPISD Board of Trustees about dyslexia services. Annual reporting would also provide increased transparency surrounding the process of the identification, instruction, and accommodation of students with dyslexia.**

A recent November 2019 Texas Association of School Board (TASB) podcast produced by Dr. Karlyn Keller, the Division Director of Special Education, provided an overview of dyslexia for school board members.<sup>167</sup> One of her questions was, **“What should trustees know about dyslexia and how it’s addressed in their districts?”** She shared, “I would love to see board members, creating space and time where they’re asking how is [the dyslexia] program going. And I think it’s a simple question. It doesn’t have to be asked every board meeting; it could be once a year . . . [asking] We’d like a report out on what are we using, how are we screening, what are the programs . . . Are we giving enough funding? Do they have the support that they need?”

Regular reporting seems advisable given that the Texas Dyslexia Handbook gives each local school board the responsibility of overseeing the implementation of dyslexia laws in their district.<sup>168</sup> For suggestions on items that could be included in annual board reports, see Appendix I.

## Appendices

Appendix A: Laws that Govern the Education of Students with Disabilities in Public Schools

Appendix B: Guidance from Texas re: Child Find and Compensatory Services

Appendix C: Lucy Calkins November 2019 Statement and Educator Responses

Appendix D: Sample Shaywitz DyslexiaScreen

Appendix E: Differences Between a 504 Plan and an Individualized Education Plan (IEP)

Appendix F: Progress Monitoring Comparison

Appendix G: National Reading/Dyslexia Experts Involved in Supporting Texas Public Schools

Appendix H: Dyslexia Resources

Appendix I: Suggestions for Annual Reporting to the HPISD Board of Trustees

# Appendix A: Laws that Govern the Education of Students with Disabilities in Public Schools

## The Individuals With Disabilities Education Act (IDEA)

"The Individuals with Disabilities Education Act (IDEA) requires public schools to locate and identify children with disabilities who may be in need of specialized education. These children will have available to them a free appropriate public education [FAPE] that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; (and) . . . to ensure that the rights of children with disabilities and parents of such children are protected . . . ' 20 U.S.C. § 1401(d). The statute includes specific requirements about eligibility for services, components of the Individualized Educational Program (IEP), IEP team members, review of the child's IEP, prior written notice, members of eligibility and IEP teams, and comprehensive procedural requirements related to disputes and complaints." See "Chapter 4: Overview of the Individuals With Disabilities Education Act of 1997" at 12 (<https://www.wrightslaw.com/bks/lawbk/ch4.idea.overview.pdf>).

## Section 504 of the Rehabilitation Act of 1973 (Section 504)

Section 504 of the Rehabilitation Act of 1973 (Section 504) applies to "any program or activity" that receives federal funding, including but not limited to public schools that receive federal funding. See *generally* 29 U.S.C. § 794.

"Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED). Section 504 provides: 'No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . .'" See "Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities," <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at "Introduction".

"To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities." See "Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities," <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at "Students Protected Under Section 504".

"Impairments" include specific learning disabilities, and "major life activities" include learning as well as "reading, concentrating, thinking, and communicating." See "Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities," <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at "11".



"Once a student is identified as being eligible for regular or special education and related aids or services, a decision must be made regarding the type of services the student needs." *See* "Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities," <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at "Placement."

"[The Office for Civil Rights or] OCR enforces Section 504 in programs and activities that receive Federal financial assistance from [the U.S. Department of Education or] ED. Recipients of this Federal financial assistance include public school districts . . . . The regulations implementing Section 504 in the context of educational institutions appear at 34 C.F.R. Part 104. The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met." *See* "Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities," <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at "Introduction."

## Title II of the Americans With Disabilities Act (ADA) of 1990 (Title II)

Title II of the ADA extends "[the prohibition of discrimination against individuals with disabilities] to the full range of state and local government services, programs, and activities (including public schools) *regardless of whether they receive any Federal financial assistance.*" *See* "Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities," <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at "1." (emphasis added). OCR also enforces Title II.

## Contrast Between Idea and Section 504 / Title II

"Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities. Section 504 ensures that the child with a disability has equal access to an education. The child may receive accommodations and modifications. Unlike the Individuals with Disabilities Education Act (IDEA), Section 504 does not require a public school to provide an individualized educational program (IEP) that is designed to meet a child's unique needs and provide the child with educational benefit. Under Section 504, fewer procedural safeguards are available to the child with a disability and the child's parents than under IDEA." *See* <https://www.wrightslaw.com/info/sec504.index.htm>

Because Section 504 and Title II are primarily civil rights/ antidiscrimination laws, they do not provide any funding. In contrast, IDEA is a grant statute and funds special education programs. *See* "Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities," <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at "1."

If "[a] student has a disability referenced in the IDEA, but does not require special education services . . . [t]he student may be eligible for services under Section 504. The school district must determine whether the student has an impairment which substantially limits his or her ability to learn or another major life activity and, if so, make an individualized determination of the child's educational needs for regular or special education or related aids or services. For example, such a student may receive adjustments in the

regular classroom.” See “Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities,” <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at “32.”

On the other hand,, “[i]f a student is eligible under IDEA, he or she must have an [individualized education program or] IEP. Under the Section 504 regulations, one way to meet Section 504 requirements for a free appropriate public education is to implement an IEP.” See “Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities,” <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (U.S. Department of Education – Office for Civil Rights) at “35.”

## Texas Dyslexia Handbook<sup>169</sup>

“The purpose of The Dyslexia Handbook is to provide procedures for school districts, charter schools, campuses, teachers, students, and parents/guardians in early identification of, instruction for, and accommodations for students with dyslexia. This handbook will be used by school districts and charter schools as they develop their written procedures regarding students with dyslexia. It will also serve as a resource for educator preparation programs and other entities seeking guidance in serving students with dyslexia.

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders, mandates screening and testing students for dyslexia and the provision of instruction for students with dyslexia, and gives the State Board of Education (SBOE) authority to adopt rules and standards for screening, testing, and serving students with dyslexia. Texas Education Code §7.028(b) assigns the responsibility for school compliance with the requirements for state educational programs to the local district board of trustees. Title 19 of the Texas Administrative Code (TAC) §74.28 outlines the responsibilities of districts and charter schools in the delivery of services to students with dyslexia. Finally, two federal laws, the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973, Section 504, establish assessment and evaluation standards and procedures for students (34 C.F.R. Part 300 (IDEA), Part 104 (Section 504)). This handbook reflects current law as well as legislative action from the 84th and 85th sessions of the Texas Legislature and replaces all previous handbook editions. Recent legislation includes the following:

- TEC §21.044(c)(2) outlines the curriculum requirement for teacher preparation programs to include the characteristics of dyslexia, identification of dyslexia, and multisensory strategies for teaching students with dyslexia.
- TEC §21.054(b) and 19 TAC §232.11(e) mandate continuing education requirements for educators who teach students with dyslexia.
- TEC §28.021(b) establishes guidelines for districts when measuring academic achievement or proficiency of students with dyslexia.
- TEC §38.003(a) requires students to be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. Screening must occur at the end of the school year of each student in kindergarten and each student in the first grade.
- TEC §38.0032 requires the Texas Education Agency (TEA) to annually develop a list of training opportunities regarding dyslexia that satisfy continuing education requirements for educators who teach students with dyslexia. x
- TEC §38.0031 requires the agency to establish a committee to develop a plan for integrating technology into the classroom to help accommodate students with dyslexia.

- TEC §42.006(a-1) requires school districts and open-enrollment charter schools to report through the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) the number of enrolled students who have been identified as having dyslexia.
- 19 TAC §230.23 requires TEA to provide accommodations for persons with dyslexia who take licensing examinations.

Texas Education Code §7.028(b) assigns the responsibility for school compliance with the requirements for state educational programs to the local district board of trustees. Title 19 of the Texas Administrative Code (TAC) §74.28 outlines the responsibilities of districts and charter schools in the delivery of services to students with dyslexia. Finally, two federal laws, the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973, Section 504, establish assessment and evaluation standards and procedures for students (34 C.F.R. Part 300 (IDEA), Part 104 (Section 504)).”

# Appendix B: Guidance from Texas re: Child Find and Compensatory Services

## Identification, Evaluation, and Offer of FAPE:

### Guidance Document for TEA Special Education Strategic Plan<sup>170</sup> By Texas Region 4 Education Service Center (2018)

*Excerpts below with a focus on Appendix A: Child Find: Legal Case Synopses and Appendix B: Compensatory Services: Legal Case Synopses*

#### PREFACE

The resources in this manual were developed in 2018 by Region 4 Education Service Center, Houston, Texas, independent consultants, and Thompson & Horton, LLP, Houston, Texas, to provide school districts and charter schools with information to support the implementation of the Identification, Evaluation, and Offer of the FAPE section of the *TEA Special Education Strategic Plan*.

#### INTRODUCTION

##### *TEA Special Education Strategic Plan:*

On April 23, 2018, the Texas Education Agency (TEA) submitted the Special Education Strategic Plan (Plan) for the state of Texas to the United States Department of Education (USDOE). Within that strategic plan is a corrective action plan necessitated by the findings of the USDOE that the state violated the Individuals with Disabilities Education Act (IDEA). The findings of the USDOE are found in a letter to the state of Texas dated January 11, 2018. The USDOE found that the state had violated the IDEA in the following manner:

1. TEA failed to ensure that all children with disabilities residing in the state who are in need of special education and related services were located, identified, and evaluated, regardless of the severity of their disability.
2. TEA failed to ensure that a Free Appropriate Public Education (FAPE) was made available to all children with disabilities residing in the state within the mandated age.
3. TEA failed to fulfill its general supervisory and monitoring responsibilities under IDEA.

The TEA Special Education Strategic Plan consists of five components:

1. State Monitoring
2. Identification, Evaluation, and the Offer of FAPE (ChildFind)
3. Training, Support, and Development
4. Student, Family, and Community Engagement
5. Technical Assistance Networks and Structures

The legal requirement for the local education agency (LEA) in regard to referral of students to special education is that they follow the mandates of the Individuals with Disabilities Education Act (IDEA) for Child Find. IDEA specifies that the LEA is to initiate a Full and Individual Initial Evaluation (FIIE) through special education if there is reason to suspect a student:

1. Has a disability condition recognized under IDEA, and
2. Needs special education and related services because of the disability.

The Plan has not changed this requirement. This is the same standard for determining the referral of students for special education evaluation that has been in place since the inception of IDEA.

***Purpose.***

The focus of this document will be on the Identification, Evaluation, and the Offer of FAPE (Child Find) section of the Plan for specific groups of students who may have had evaluations for special education delayed or denied. The specific groups that will be referred to in this document include those students:

- identified under Section 504,
- receiving dyslexia services,
- receiving response to intervention ([RTI]), and
- whose parents requested an evaluation previously but the evaluation was denied.

While the Plan does not require a mandatory review or evaluation of **all** students in [RTI], Section 504, and dyslexia, logically, it would make sense that if any students were missed in the Child Find process, they would likely be in one of these programs. Therefore, the purpose of this document is to provide a framework for data gathering and data analysis in order to assist LEAs in making a decision regarding whether a student, particularly in one of the groups mentioned above, needs to be referred for a special education evaluation. However, it is anticipated that the framework can also be used by LEAs to assist in the decision-making process regarding referrals of students in general education who are receiving no additional services.

Appendices are included to assist the LEA in the implementation of the Plan.

**APPENDIX A: CHILD FIND: LEGAL CASE SYNOPSSES**

Failure to comply with IDEA's Child Find duty is frequently an issue in due process hearings. Eligibility for IDEA services is a two-part test: 1) Does the student have a disability covered by the IDEA; and 2) Because of the disability, does the student need special education and related services? Hearing officers analyze the data available to school staff at a specific time to form an opinion whether a reasonable educator at that time would have suspected an IDEA disability and, because of it, a need for special education and related services.

The cases outlined in this appendix illustrate several points. First, a district frequently has knowledge that a student has a disability. The information usually comes from the parent. The district has knowledge that a disability exists for all students who receive Section 504 services, and/or protections by virtue of the fact that the student has a physical or mental impairment that substantially limits a major life activity. However, knowledge of a disability alone is not sufficient to trigger a Child Find duty. It must be coupled with a reasonable suspicion that because of the disability, the student needs special education and related services.

Second, a district must not rely solely on grades, or the fact that a student is promoted from grade to grade, to make the determination that an FIIE is not warranted. A student can be performing at an acceptable level academically but may have social and/or behavioral needs that trigger a Child Find duty to perform an FIIE to explore eligibility.

*The following case is listed from two different perspectives in Appendix A (Childfind) and Appendix B: Compensatory Services:*

**Hardin-Jefferson ISD, Docket No. 200-SE-0315 (TX 2015) From Appendix A: Childfind**

**FACTS:** The Student struggled with reading and language skills, and the Parents requested that he be evaluated for dyslexia. In response, the District conducted a Section 504 evaluation and found the Student eligible under Section 504 due to vision problems and reading difficulties. Student was receiving private dyslexia services, but District noted that the Student had not yet been exposed to phonemic reading instruction for a dyslexia assessment. The Parents secured a language and literacy evaluation which identified dyslexia. The Parents submitted information from the tutor who had conducted informal assessment and the private evaluation, and the District did conduct a dyslexia evaluation. The Section 504 team determined the Student did not meet dyslexia criteria and the District felt that the Student had not been exposed to enough reading instruction to be labeled with dyslexia. The District decided that its [RTI] was sufficient to help the Student. [RTI] services included services from the campus dyslexia teacher. The evidence showed that the evaluation and information from the private tutor, along with continuing Parental concerns and requests for testing, were reasons enough to suggest that the Student might be a student with a disability in need of special education, thus triggering a Child Find duty to seek to evaluate the student.

**FINDINGS:**

1. The District violated its Child Find obligation when the District received the results of a third-party evaluation and information from a private dyslexia tutor about a Student who had “clear deficits” in reading and spelling and did not conduct a special education evaluation. By the time the evaluations were received, the Student had received a set of intensive [RTI] services in addition to private tutoring.
  2. The evaluation, private tutor information and continued parental concerns and requests for evaluation were reasons enough to suspect the Student might be a student with a disability to trigger the Child Find duty.
  3. The District could not relieve itself of a Child Find duty by providing [RTI] services for dyslexia and waiting to see if the interventions were effective before performing an IDEA evaluation.
  4. Although well-intentioned, the District’s continued use of [RTI] delayed evaluation for special education.
  5. The hearing officer noted that the District had a certain amount of tunnel vision by focusing too stringently on the progress the Student was making in [RTI].
  6. District was ordered to reimburse the cost of the evaluation and the cost of private dyslexia tutoring sessions.
  7. The hearing officer ordered that the Student met the criteria as a student with a specific learning disability.
- 

**APPENDIX B: COMPENSATORY SERVICES: LEGAL CASE SYNOPSSES**

OSEP has recognized compensatory education as a permissible remedy under the IDEA. *Letter to Kohn*, 17 IDELR 522 (OSERS 1991).

Generally, a district's current compliance with the IDEA will not protect it from claims for compensatory services arising out of past violations. In *Boose v. District of Columbia*, 65 IDELR 191 (D.C. Cir. 2015), the U.S. Court of Appeals, District of Columbia Circuit held a parent was entitled to seek compensatory education for a district's alleged child find violation even though the district had already evaluated her child and developed an appropriate IEP for him. The court disagreed with the district's argument that its current compliance with the IDEA made the parent's request for compensatory services moot. The court explained that IEPs are forward-looking plans based on the child's current abilities and performance, but compensatory services are intended to make up for prior deficiencies in the child's programming.

### **Amount of Compensatory Services**

The Fifth Circuit has not adopted a required standard by which to calculate compensatory services. There are two primary approaches used in other circuits: the quantitative approach and the qualitative approach. Some courts have combined the two approaches into a hybrid method of calculating compensatory services.

The **quantitative** approach is based on a one-for-one calculation of the extent of the denial of FAPE. This means that, for every hour of services that the district should have provided to the student, the district is required to provide an equal amount of hours of services until the district makes up the amount of services missed and owed to the student.

The **qualitative** approach is a flexible calculation of how many hours of compensatory services are required to place the student in the same position he or she would have been in if the district did not violate the IDEA. It uses an individualized, fact-specific determination of the amount "reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have supplied in the first place."

The following cases are provided so that districts can examine how hearing officers and courts have analyzed the provision of compensatory services.

### **LEGAL CASE SYNOPSES**

*The following case is listed from two different perspectives in Appendix A (Childfind) and Appendix B: Compensatory Services:*

#### **Hardin-Jefferson ISD, Docket No. 200-SE-0315 (TX 2015): From Appendix B: Compensatory Services**

**FACTS:** Parent alleged district violated child find duty by not evaluating a student provided extensive [RTI] services and served as a 504 student. The parent had not specifically requested a special education evaluation. The district argued it had no duty to conduct a special education evaluation prior to the request for hearing because it had no reason to suspect the student was a child with a disability in need of special education.

#### **FINDINGS:**

1. The hearing officer disagreed, apparently on the basis of a private evaluation and information on private tutoring provided to the district that should have triggered an evaluation by the district.

2. The hearing officer granted the student's request to confirm the student's identification as a student with a specific learning disability in need of special education based on deficits in reading and spelling and characteristics of dyslexia on an evaluation not conducted by the district.

3. As compensatory relief, the hearing officer granted reimbursement for the outside evaluation and the private tutoring during the one-year statute of limitations period.

**Reisel ISD, Docket No. 102-SE-1115 (TX 2016)**

**FACTS:** Child had been in special education. Parents felt that District did not timely and appropriately address the decoding, morphology, and other reading skills of Student and determine he was dyslexic.

**FINDINGS:**

1. The evidence indicates that Student had specific needs in the area of dyslexia instruction. The program developed by the District did not include goals and objectives related to the special education dyslexia instruction.
2. The IDEA allows compensatory relief as an equitable form of relief to remedy substantive violations. A hearing officer has authority to grant all relief deemed necessary, including compensatory education, to ensure that a student with a disability receives the requisite educational benefit denied by a school district's failure to comply with the IDEA. The determination of what compensatory relief is appropriate requires a fact inquiry into the extent of the denial as well as that services are required to provide an appropriate education because of that denial. Compensatory educational relief requires a school district to pay for services prospectively to compensate a student for a deficient educational program provided in the past.
3. In awarding compensatory relief, a hearing officer may consider factors including the complexity of the student's difficulties. A *per se* award of compensatory service may not always be appropriate but such an award may be appropriate depending on the facts of the case. In this case, the special education services actually provided to Student did not have goals and objectives thus the hearing officer struggled to determine what services Student had actually received.
4. While the hearing officer's analysis is hard to understand due to redactions, compensatory services (1:1 tutoring by a dyslexia specialist) were awarded based on "lost hours of instruction."

**HELPFUL QUOTES:**

- "I conclude . . . that the Student needed, but did not receive, additional special education dyslexia programming . . . **The delivery of IEP accommodations to the Student does not make up for the failure to deliver sufficient instructional services to for the Student's for dyslexia.**"
- "General education grades and yearly advancement are not adequate measures of academic progress where grades are the result of modifications."

**Northwest ISD, Docket No. 254-SE-0617 (TX 2018)**

**FACTS:** Parent claimed District failed to timely evaluate and identify Student in all areas of suspected disability thus failing to provide Student with FAPE. Student was found eligible for special education services in February of 2017. Before then, Student had been served under Section 504 since October of



2013. Student had known struggles with reading during the 2015–2016 school year and Parent made inquiries about a possible learning disability in March of 2016. District did not initiate the special education referral process until October of 2016, which the hearing officer considered a six-month delay.

**FINDINGS:**

1. The District failed to timely evaluate and identify Student as eligible for services with a specific learning disability. This resulted in a six-month or more delay in the provision of service to Student.
2. The trend in the case law is to utilize a qualitative, rather than quantitative, standard in fashioning appropriate compensatory and equitable relief.
3. The evidence presented demonstrated that Student has made significant educational progress in the just over one year since special education services were initiated. In addition, the District made additional remedial services available to Student in the form of tutoring, which Parent declined to take advantage of.
4. Petitioner brought forward no expert testimony explaining the nature and scope of the compensatory services Student requires to remedy the sixth month delay in identifying Student as eligible for special education services.
5. Thus, based upon Student's progress, the remedial services offered by the District and the lack of expert testimony from the Student, this hearing officer concluded that Petitioner did not meet Petitioner's burden of proof for entitlement to compensatory education services.

**Reid v. District of Columbia, 401 F.3d 516, 196 Ed.Law Rep. 402 (D.C. Cir. 2005)**

**FACTS:** The District did not provide FAPE to the Student with specific learning disabilities for the four years he was in high school.

**FINDINGS:**

1. Because compensatory education awards are equitable remedies, the amount awarded by an impartial hearing officer or judge should be proportionate to the violation.
2. The court adopted a "qualitative standard" that should place students in the same position they would have occupied without the violations.
3. The Student was entitled to an "informed and reasonable exercise of discretion regarding what services he needs to elevate him to the position he would have occupied."
4. IEP teams may not reduce or discontinue compensatory education awards; to do so would effectively lead the team to exercise powers reserved for impartial hearing officers.

**HELPFUL QUOTES:**

- IEPs are forward looking and intended to conform to a "standard that looks to the child's present abilities," but compensatory education is meant to "make up for prior deficiencies."

- “Compensatory education awards should aim to place disabled children in the same position they would have occupied but for the school district’s violations of the IDEA.”
- “[D]esigning [the student’s] remedy will require a fact-specific exercise of discretion.”
- “Some students may require only short, intensive compensatory programs targeted at specific problems or deficiencies. Others may need extended programs, perhaps even exceeding hour-for-hour replacement of time spent without FAPE.”
- “[C]ourts have recognized that in setting the award, equity may sometimes require consideration of the parties’ conduct, such as when the school system reasonably ‘require[s] some time to respond to a complex problem, or when parents’ refusal to accept special education delays the child’s receipt of appropriate services.”
- “In every case, however, the inquiry must be fact-specific and, to accomplish IDEA’s purposes, the ultimate award must be reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have supplied in the first place.”
- “An award of compensatory services should be made considering “[the student’s] specific educational deficits resulting from his loss of FAPE and the specific compensatory measures needed to best correct those deficits.”
- “[W]hereas ordinary IEPs need only provide ‘some benefit,’ compensatory awards must do more, they must compensate.”
- “He is not entitled, however, to an amount of such instruction predetermined by a cookie-cutter formula, but rather to an informed and reasonable exercise of discretion regarding what services he needs to elevate him to the position he would have occupied absent the school district’s failures.”
- “[W]hile the IEP team certainly must monitor [the student’s] progress and coordinate compensatory relief with his current IEP, a delegation that permits the team to reduce or terminate his awarded amount of compensatory education exceeds the statute’s bounds.”

**Friendship Edison Pub. Charter Sch. Collegiate Campus v. Nesbitt, 583 F. Supp. 2d 169, 239 Ed.Law Rep. 380 (D.D.C. 2008) (Nesbitt II)**

**FACTS:** In compensatory education proceedings stemming from alleged violations of IDEA, student moved for an order requiring District to pay for a new psychoevaluation in order to allow Student to propose a plan to receive compensatory education from the District.

#### **FINDINGS:**

1. The court held that new psychoevaluation, educational evaluation, and vocational assessment to assess student’s educational abilities and needs were required, at the cost of school district, to allow student to adequately craft a compensatory education plan.

#### **HELPFUL QUOTES:**

- “That evaluation must be done so the compensatory education plan can be premised on Nesbitt’s present abilities, deficiencies, and needs. Simply put, like the hearing officer, I have concluded that Nesbitt is due compensatory education and it is impossible to grant that relief without a conscientious and well-informed evaluation of his present status.” (psychoeducational evaluation and vocational assessment)
- “I assure him that if [the student] fails to cooperate with the entire evaluation process this case will be promptly dismissed.”

**Matanuska-Susitna Borough Sch. Dist. v. D.Y., No. 3:09-CV-0073 JWS, 2010 WL 679437, at \*1 (D. Alaska Feb. 24, 2010)**

**FACTS:** Parents requested a due process hearing alleging Student was denied FAPE. The hearing officer determined that a compensatory education award of \$50,000 was appropriate to put Student in the place he would have been absent the District’s LRE and Dynavox violations.

**FINDINGS:**

1. The court upheld an award of a compensatory education fund equivalent to approximately 300 hours of speech therapy and about 208 hours of aide services to be given to the student over three school years, stating that the award of compensatory services must be equitably calculated to put the Student “in the place he would have been in absent the District’s LRE and Dynavox violations.”
2. The court stated that since the District chose not to include proposed costs for a compensatory education award in its supplemental briefing, the District could not now complain that the hearing officer’s computation is baseless.

## Appendix C: Lucy Calkins November 2019 Statement and Educator Responses

Lucy Calkins November 2019 Statement: No One Gets to Own the Term “The Science of Reading”

Below are responses from from highly-acclaimed national educators and researchers who say Calkin’s early reading program is not aligned to evidence-based practices of how children learn to read. The full article by Margaret Goldberg is included below.

Dear Lucy by Margaret Goldberg

This Is Why We Don’t Have Better Readers: Response to Lucy Calkins by By Mark Seidenberg

Of ‘Hard Words’ and Straw Men: Let’s Understand What Reading Science is Really About by *Dr. Louisa Moats*

Lucy Calkins, Creator of Reading Workshop, Responds to ‘Phonics-Centric People’ By Sarah Schwartz

Running with the hard and hunting with the hound by Pamela Snow

Lucy Calkins on the “Science of Reading.” Seriously. By Claude Goldenberg

This Is Why We Don’t Have Better Readers: Response to Lucy Calkins by By Mark Seidenberg

**Dear Lucy,**

***By Margaret Goldberg, co-founder of Right to Read Project***

Dear Lucy,

Thank you for writing No One Gets to Own the Term “The Science of Reading.” I am so relieved that discussion of reading science has made its way into the balanced literacy community and that you’ve added your own voice to the conversation. You’re making it safe for experienced educators to refine our practice as a result of new learning.

For many years, I was a devout reading and writing workshop teacher, so I recently seized an opportunity to become a literacy coach in a district adopting Balanced Literacy. It was a more difficult job than I expected and the experience forced me to confront all that I did not know about reading. In an effort to help teachers and kids, I dove into reading science and my world was upended.

I hope that in your learning process you’ll be willing to hear from teachers like me, who have struggled to reconcile your programs with reading research. Any changes you make to your materials will improve instruction for millions of children and the way you explain your revisions will impact professional development for teachers everywhere.

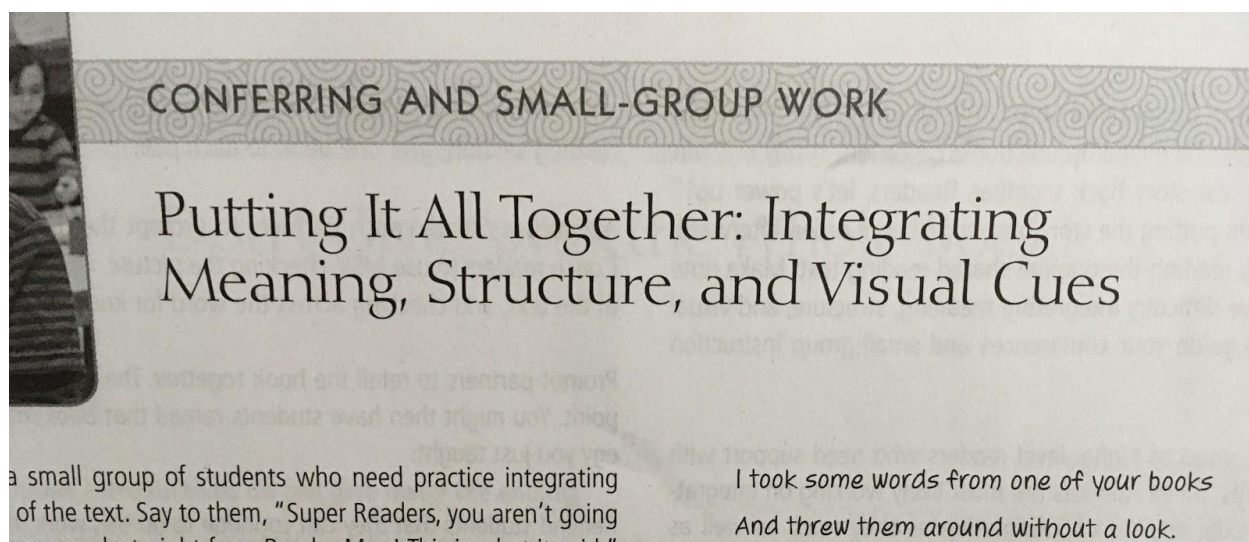
I hope you'll read on as I share some areas in your published programs that I think could use your attention. Shining a light on a few practices is worth some discomfort if it contributes to the creation of better tools for teachers.

### Three-Cueing Instruction

You recently wrote:

*"I do not know anyone who defines his or her method for teaching reading as 'the three cueing systems.'"*

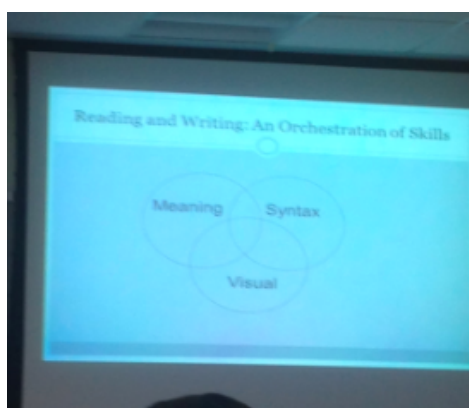
"Three cueing" is shorthand to describe instruction and assessments grounded in meaning, structural, and visual cues ("MSV"), like the lesson below from *Units of Study for Teaching Reading*.



You wrote recently that when a child comes to an unfamiliar word, a teacher should say:

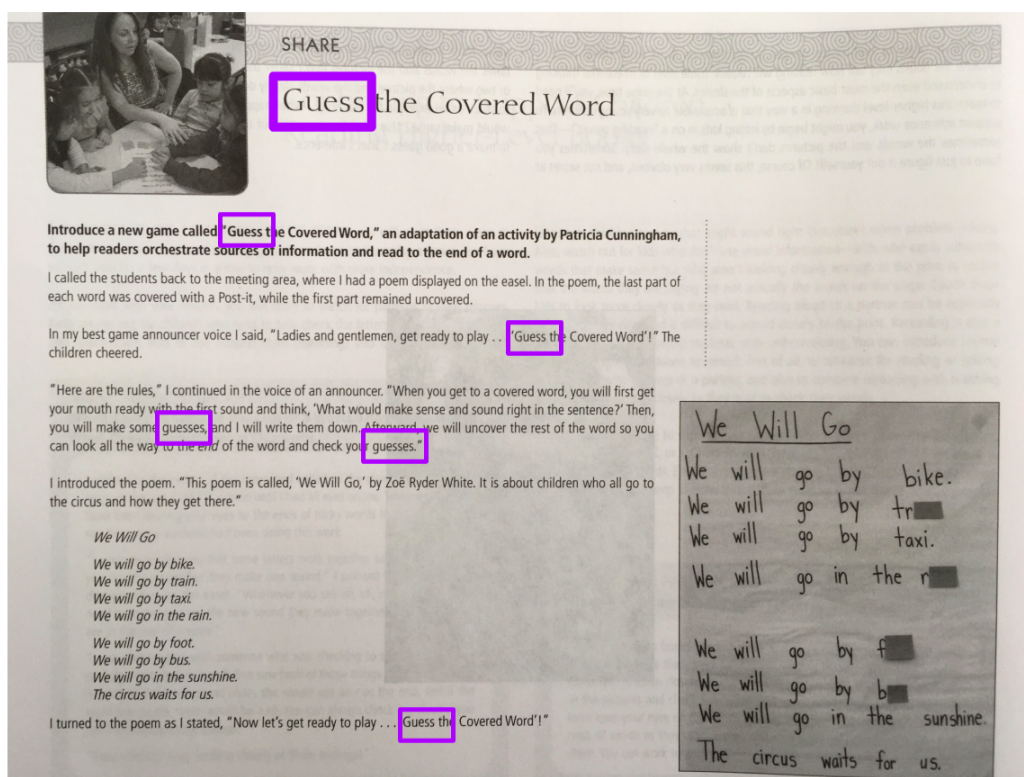
*"Hypothesize drawing on all the sources of information available to you."*

Acknowledging that the wording is challenging, you explained that some teachers might take a short-cut and say, "Guess."



I had a chance in 2016 to attend the Teachers College Reading and Writing Program (“TCRWP”) Foundational Skills Institute. At the Institute, we discussed cueing instruction when our trainer displayed the three-cueing Venn diagram and explained the purpose behind “strengthening MSV” lessons.

Our trainer frequently used the word “guess” to describe what good readers do. Your programs, *Units of Study for Teaching Reading* and *Units of Study for Teaching Phonics*, use that word as well.



Teachers who have told readers to guess at words do so not because we are taking shortcuts, but because of the training and materials we have received.

I was happy to read your recent words- “*The ‘science of reading’ people are all-over the word guess and they aren’t wrong about that.*”- and I look forward to seeing what that means for *TCRWP* trainings and your published materials.

I hope you’ll do more in the revision process than replace “guess” with “hypothesize.” Even if we don’t say “guess,” when we teach students to identify words using strategies other than decoding, we are approaching reading as if it were a guessing game.

*“Children who routinely adopt alternative cues for reading unknown words, instead of learning to decode them, later find themselves stranded when texts become more demanding and meanings less predictable. The best route for children to become*

*fluent and independent readers lies in securing phonics as the prime approach to decoding unfamiliar words.”*

*Primary National Strategy 2006b cited by Dr. Kerry Hempenstall in The Three-cueing Model: Down for the Count?*

*“The three cueing systems model does not address the needs of struggling readers. It appears that the three cueing systems model simply reinforces the kinds of habits that naturally occur among children who struggle in reading. It provides no avenue for weak readers to close the gap with their same-age peers.”*

*Essentials of Assessing, Preventing, and Overcoming Reading Difficulties, Dr. David Kilpatrick*

As I studied the research, I realized that parts of *Units of Study* teach beginning readers the habits of struggling readers and I began to advise teachers against those lessons. I hope you, too, will start guiding teachers away from MSV instruction.

**UNIT 3** Readers Have Big Jobs to Do

Session 7  
  
Readers Think about What  
Kind of Word Would Fit

MINILESSON

CONNECTION

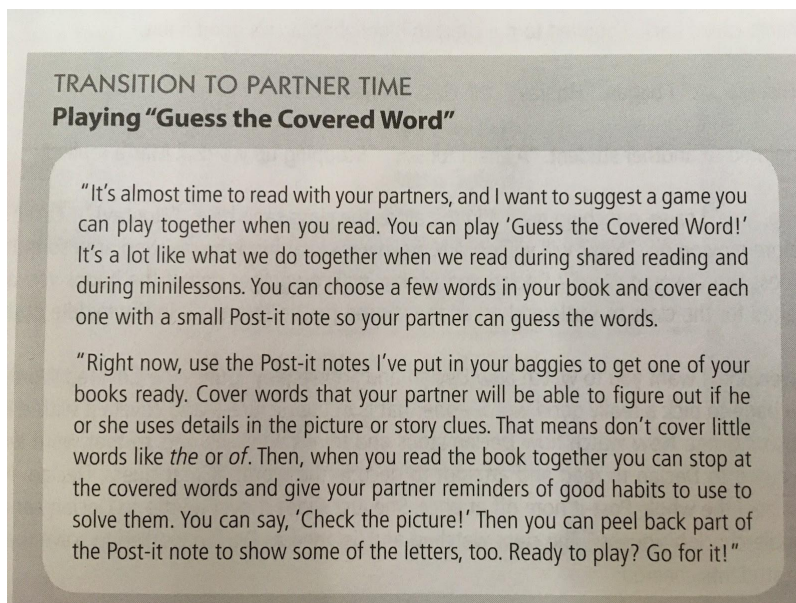
**Make up a short oral story to help students understand how their knowledge of language structures can help them predict words in a sentence.**

“I have a friend who has this habit of finishing my ideas for me. She’ll jump in and say the words before I can even get them out of my mouth! Has that ever happened to you?” A few heads nodded in agreement.

“Well, today I thought you could try to be like my friend. I’m going make up a little story. You listen carefully and think about what the next word might be. When I stop, I’ll point to someone to say the next word. Let’s try it!

“It was a beautiful hot sunny day, and so I decided to go to the . . .” I looked expectantly into the group, giving them a few seconds to think, and pointed to Sean. “Beach!” he shouted.





Lessons in guessing are unnecessary if we refrain from giving students texts that contain words they can't yet decode.

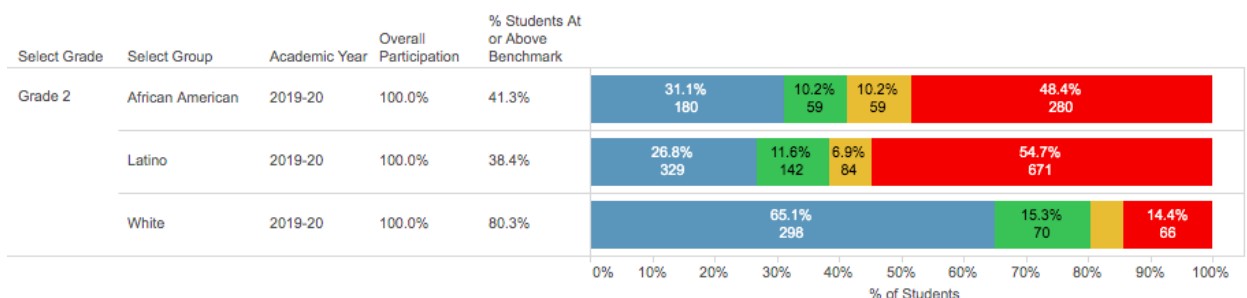
## Leveled Texts

I imagine that many advocates gave an audible sigh of relief when you said that predictable texts are "the last thing children who are dyslexic need."

Pushing the conversation a little further, students with dyslexia are not the only ones who struggle with predictable texts. In theory, both decodable and predictable texts are temporary scaffolds to authentic books. In actuality, predictable texts become permanent reading for too many students.

In my district, when we look at 2nd graders stuck in low-level texts, the achievement gap is glaring.

Our Fountas and Pinnell Benchmark Assessment Data:

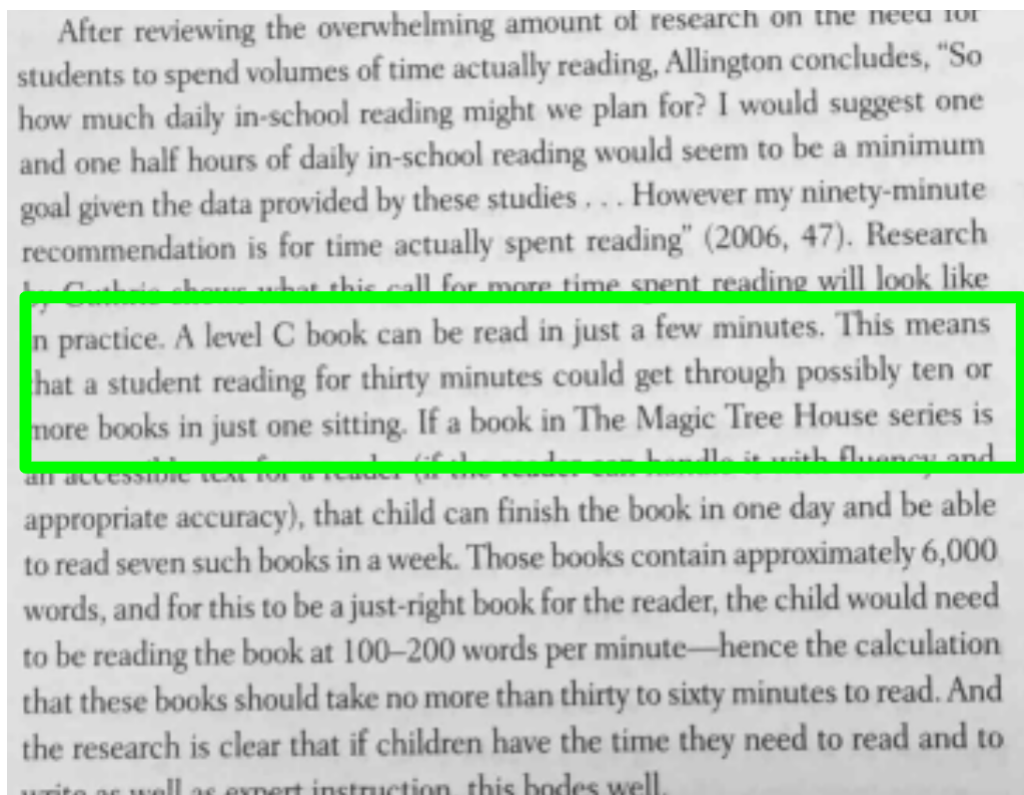


You explain that predictable texts are helpful because students can "approximate reading," but too many of our kids, especially kids of color, are spending valuable instructional time approximating reading. Decodable texts offer the most efficient and reliable path to authentic texts, for students with and without diagnosed learning difficulties.



## Independent Reading

In *The Guide to the Reading Workshop*, you provided the example of a child reading ten or more Level C books in a thirty-minute sitting. From an adult's perspective, this may seem like a pleasant and productive use of time, but a child may feel differently about it.



After reviewing the overwhelming amount of research on the need for students to spend volumes of time actually reading, Allington concludes, "So how much daily in-school reading might we plan for? I would suggest one and one half hours of daily in-school reading would seem to be a minimum goal given the data provided by these studies . . . However my ninety-minute recommendation is for time actually spent reading" (2006, 47). Research by Guthrie shows what this call for more time spent reading will look like in practice. A level C book can be read in just a few minutes. This means that a student reading for thirty minutes could get through possibly ten or more books in just one sitting. If a book in The Magic Tree House series is an accessible text for a reader (if the reader can handle it with fluency and appropriate accuracy), that child can finish the book in one day and be able to read seven such books in a week. Those books contain approximately 6,000 words, and for this to be a just-right book for the reader, the child would need to be reading the book at 100–200 words per minute—hence the calculation that these books should take no more than thirty to sixty minutes to read. And the research is clear that if children have the time they need to read and to write as well as expert instruction, this bodes well.

Some struggling second grade readers will quietly flip through books during independent reading, but others quickly grow bored. More than once, I've seen a child throw a book bin and shout, "I *hate* these stupid books." There's no convincing an eight year old that his Level C books aren't stupid.

Children who struggle with reading realize something many adults do not understand— they do not learn to read by reading. Desire to learn and time to practice are not sufficient for most students. They need to be taught how to read.

I began to question why we prioritize independent reading in our instructional minutes when I saw beginning and struggling readers sitting alone with books, waiting to be taught. I read many of the studies cited in *Units of Study for Teaching Reading* (eg. Foorman (2006). Where you inferred that independent reading time produces skilled readers, I read that skilled readers read a lot, and that instruction is necessary to build skill.

Why is this so important? Because if we shift from seeing reading as a magical process and instead see it as an unnatural skill that requires explicit instruction, the way we use instructional time changes, too.

with automaticity within fluid, engaged reading. Readers need to work with texts they can read with the smooth orchestration of sources of information that allows the magic to happen and meaning to be made. If a child holds a giant tome and stumbles through it, making swipes at some of the words, that's not reading. Novelist John Gardner describes reading this way:

A GUIDE TO THE READING WORKSHOP, PRIMARY GRADES

As Wiley Blevins, whom you cited, writes:

**L**earning to read can, at times, seem almost magical. A child sits in front of a book and transforms those squiggles and lines into sounds, puts those sounds together to make words, and puts those words together to make meaning.

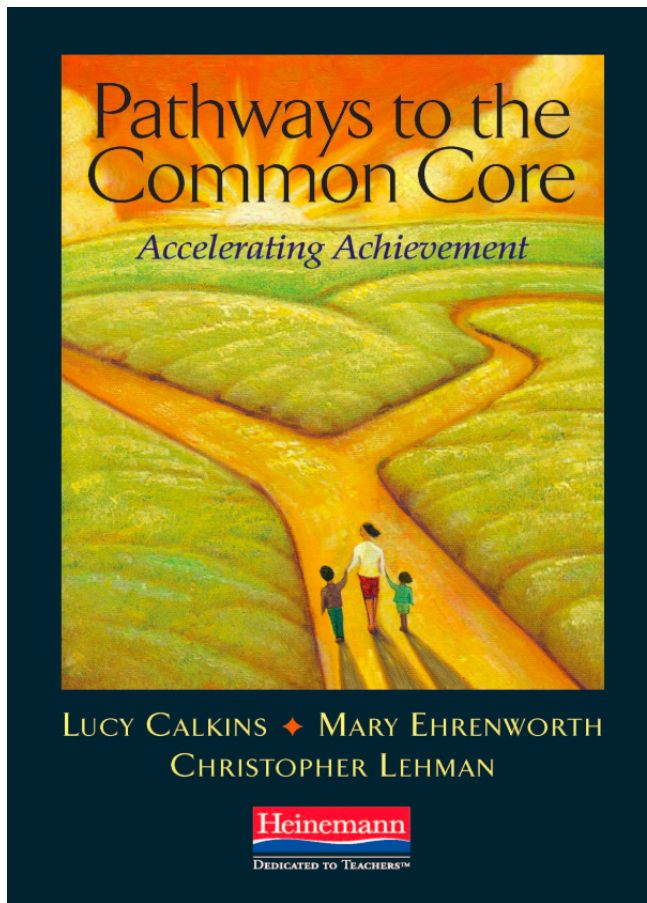
But it's not magical.

English is an alphabetic language. We have 26 letters. These letters, in various combinations, represent the 44 sounds in our language. Teaching students the basic letter-sound combinations gives them access to sounding out approximately 84% of the words in English print. Of course, equal amounts of time need to be spent on teaching the meanings of these words, but the learning of these basic phonics skills is essential to becoming a fluent reader.

## Phonics

It's now rare to meet a primary grade teacher who does not teach phonics and that may be due to your current message about the importance of phonics instruction.

I wonder if you might be hearing "phonics-centric" conversation because people are trying to better understand your beliefs about the role of decoding in reading. My own thoughts about phonics have changed in the past few years. I've gone from thinking it is a small but necessary part of reading to understanding the Simple View of Reading and how decoding impacts comprehension. Perhaps people are wondering if your thinking has changed since you wrote *Pathways to the Common Core*.



“The low-level literacy work of sound-letter correspondence and so on- work that dominated the National Reading Panel report (2000) and has undergirded NCLB for years- has been, thankfully, marginalized in its own separate section of CCSS. That work doesn’t even qualify as part of the reading and writing standards.” (p 24)

“The Common Core’s emphasis on high-level comprehension skills calls for a reversal of NCLB’s focus on decoding and low-level literacy skills.” (p 28)

In recent years, many schools have applied what’s been called a “phonics patch,” a layer of phonics instruction on top of cueing/MSV. The phonics patch is popular among educators who see decoding as a “low-level literacy skill,” rather than as the very thing that makes reading to oneself different from being read to. Adding phonics to the school day is a step in the right direction, but we have many more steps to go in order to align instruction with reading research.

This brings me to some difficult questions, ones I have asked myself repeatedly.

How committed are all of us to our previous thinking and to the approaches grounded in that thinking?

How willing are we to seek out and incorporate new learning?

## Reading Science

The divide between the research and education communities has resulted in research left on the table and classroom practices that are not as effective as they could be. Bridging the divide is where educational leaders, like you, have the power to do the greatest good for teachers and children.

New learning will likely result in new materials and trainings, but I hope that in addition to creating new work you will continue to revise what you’ve already published. Words such as “guess” are written in lesson plans that will be used across the country unless you campaign to retract them.

Problematic practices (like guessing instruction and time spent with predictable texts) will continue unless you actively discourage them. I hope that you will continue to look back, reflect and revise, and that you will then look forward to all the good you can do by bringing classroom practice closer to reading science.

You have enormous influence and I look forward to seeing how you use the power of your words to guide the instruction of teachers across the country.

Sincerely,

A handwritten signature in black ink that reads "Margaret Goldberg". The script is fluid and cursive, with the first name "Margaret" and last name "Goldberg" written in a single continuous line.

Online: <https://www.readingrockets.org/blogs/right-read/dear-lucy-open-letter-lucy-calkins> and <https://righttoreadproject.com/>

## Appendix D: Sample Shaywitz DyslexiaScreen

The Shaywitz DyslexiaScreen is a “teacher rating scale of language and academic risk factors that indicates whether a student may be at risk for dyslexia.”<sup>171</sup>

Below are the 10 questions from the Shaywitz Kindergarten screener with sample answers:

### Language

1. Tell a story in a logical sequence? (Often)
2. Express ideas in jumbled or incomplete sentences? (Sometimes)
3. Have trouble expressing his/her thoughts in words? (Often)
4. Have trouble identifying letters or numbers? (Rarely)
5. Speak in a way that is difficult to understand? (Often)
6. Require extra help – gestures, repetition – to follow verbal directions? (Sometimes)

### Academics

7. Show interest in books and reading? (Often)
8. Associate sound with letter correctly? (Sometimes)
9. Has a problem learning? (Moderately Likely)
10. Will be ready (i.e., academically prepared) to go to the next grade? (Moderately Unlikely)

A sample parent report for the 1st grade screener is available here:

<https://www.pearsonclinical.com.au/files/134911513138674.pdf>

## Appendix E: Differences Between a 504 Plan and an Individualized Education Plan (IEP)<sup>172</sup>

	504 Plan	Individualized Education Plan
What Law Applies	Section 504 of the Rehabilitation Act of 1973 This is a federal civil rights law to stop discrimination against people with disabilities.	The Individuals with Disabilities Education Act (IDEA) This is a federal education law for children with disabilities.
What's in It	<p>There is no standard 504 plan. A 504 plan generally includes the following:</p> <ul style="list-style-type: none"> <li>* Specific accommodations, supports, or services for the child</li> <li>* Names of who will provide each service</li> <li>* Name of the person responsible for ensuring the plan is implemented</li> </ul>	<p>The IEP sets learning goals and describes the services the school will provide. It's a written document. Here are some of the most important things the IEP must include:</p> <ul style="list-style-type: none"> <li>* The child's present levels of academic and functional performance—how the child is currently doing in school</li> <li>* Annual education goals for the child and how the school will track progress</li> <li>* The services the child will get — this may include special education, related, supplementary, and extended school year services</li> <li>* The timing of services — when they start, how often they occur, and how long they last</li> <li>* Any accommodations — changes to the child's learning environment</li> <li>* How the child will participate in standardized tests</li> </ul>

### 504 PLAN

Limited evaluation by dyslexia therapist evaluating only for dyslexia

Dyslexia intervention via standardized, two-year, group-paced program taught in groups of up to 10 students in HPISD

Criteria used to identify dyslexia is typically not used again to measure reading growth prior to removal from dyslexia services

Dyslexia intervention typically ends at the completion of *Take Flight*

### INDIVIDUALIZED EDUCATION PLAN (IEP)

Comprehensive evaluation by multiple evaluation professionals evaluating all areas of suspected disability

Student's plan is individualized. Plan always includes

- assessment of current performance and needs
- individualized goals
- specific progress monitoring related to those goals that is reported every grading period

Dyslexia intervention could still include *Take Flight*, but progress should be monitored more frequently and adjustments should be made during or after the program if the student still demonstrates a need

Significant protections & provisions only in IDEA

A 'service,' not a 'place'



## Appendix F: Progress Monitoring Comparison

Below is a comparison of Burns and Roe data that some HPISD parents of dyslexic students receive. Next is an example of more in-depth progress monitoring used by other districts. Although the data from the two reports seems to paint two different pictures, they are based on actual student reports that are covering the same time period, yet provide vastly different insight into a student's skills.

### **Sample Report of HPISD Progress Monitoring**

#### **Burns and Roe Informal Reading Inventory**

##### **Jane Doe, 7th Grade**

Goals: Accuracy: 95% or more

Comprehension: 80% or more

Rate: 50% or more

#### **Beginning of year, Grade 7, Form A**

Accuracy 95% correct

Comprehension 85% correct

Rate 104 words correct per minute (below average, approx 25%)

#### **Middle of year, Grade 7, Form B**

Accuracy 98% correct

Comprehension 90% correct

Rate 132 words correct per minute (average range, approx 50%)

#### **End of year, Grade 7, Form D**

Accuracy 96% correct

Comprehension 90% correct

Rate 120 words correct per minute (below average, approx 25%)

#### **Grade Level Word Lists**

5th grade word list 95% correct

6th grade word list 80% correct

7th grade word list 90% correct

Result: Met all accuracy and comprehension goals for each testing window. Met reading rate goal during one of the testing windows.

## Sample Report of Data Used in Other Schools

Jane Doe

7th Grade

### Kaufman Brief Intelligence Test 2 (KBIT2)

	Standard Score	Percentile	Range
Verbal IQ	105	65	Average
Nonverbal IQ	103	57	Average
<b>IQ Composite</b>	<b>104</b>	<b>62</b>	<b>Average</b>

### Woodcock Reading Mastery Test-III (WRMT-III)

	Standard Score	Percentile	Range
Word Identification	91	27	Average
Word Attack	79	8	Low
Passage Comprehension	95	38	Average
Listening Comprehension	101	52	Average

### Test of Written Spelling-5 (TWS-5)

	Standard Score	Percentile	Range
	88	21	Below Average

### Comprehensive Test of Phonological Processing (CTOPP)

	Subtest	Score	Percentile	Range
	Elision	7	16	Below Average
	Blending Words	10	50	Average
	Phoneme Isolation	12	75	Average
<b>Phonological Awareness Composite</b>		<b>98</b>	<b>45</b>	<b>Average</b>
	Memory for Digits	9	38	Average
	Nonword Repetition	7	16	Below Average
<b>Phonological Memory Composite</b>		<b>88</b>	<b>21</b>	<b>Below Average</b>
	Rapid Digit Naming	9	37	Average
	Rapid Letter Naming	7	16	Below Average
<b>Rapid Naming Composite</b>		<b>88</b>	<b>21</b>	<b>Below Average</b>

### Gray Oral Reading Test-5 (GORT-5)

	Standard Score	Percentile	Range
Rate	8	25	Average
Accuracy	8	25	Average
Fluency	6	9	Below Average
Comprehension	7	16	Below Average
<b>Oral Reading Quotient</b>	<b>81</b>	<b>10</b>	<b>Below Average</b>



# Appendix G: National Reading/Dyslexia Experts Involved in Supporting Texas Public Schools

Below are reading/dyslexia experts who are involved in supporting Texas public schools. They include professionals from universities with a deep understanding of how individuals learn to read, the process of teaching reading, effective reading curriculum, dyslexia, how dyslexic students are impacted by all tiers of reading instruction, and best practices in Response to Intervention (RTI).

The first grouping lists individuals who could possibly participate in an HPISD task force. The second grouping lists individuals who could serve as consultants in their area(s) of expertise.

Also, the TEA recently convened a **Reading Advisory Committee** to advise the agency on current plans that support reading. The following link provides a list of individuals serving on the committee: [link](#).

*(Names that are underlined are hyperlinked to background information)*

## Possible Task Force Participants

*Either local or live nearby*

### Jill Allor

Ed.D. Vanderbilt University

SMU Department of Teaching & Learning

(214) 768-4435

[jallor@smu.edu](mailto:jallor@smu.edu)

Specialties: Curriculum, Reading, Phonics (creator of *Mondo Phonics*, *Friends on the Block*)

### Stephanie Al Otaiba

Ph.D. Vanderbilt University

Patsy and Ray Caldwell Centennial Chair in Teaching & Learning

SMU Department of Teaching and learning

(214) 768-1339

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### Christine Chien

B.S. Curriculum and Instruction, Texas A&M University

Texas Dyslexia Handbook Committee Member

[cjamaica67@gmail.com](mailto:cjamaica67@gmail.com)

### Wendy Clark

Former Region 4 Consultant Houston

Specialties: Dyslexia, Dysgraphia, "Read By Design"

[wmclarky@gmail.com](mailto:wmclarky@gmail.com)

### Marcy Eslinger

Former Region 10 Dyslexia Consultant

Current Garland ISD Dyslexia Director

(214) 493-3283  
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**Virgina Gonzalez**

Former Texas Statewide Dyslexia Consultant  
Diagnostician  
[virannlg@gmail.com](mailto:virannlg@gmail.com)

**Jan Hasbrouck**

Ph.D. from Texas A&M  
B.A. and M.A. from the University of Oregon  
Former professor at The University of Oregon and Texas A&M  
Served as the Executive Consultant to the Washington State Reading Initiative  
Educational Consultant and trainer at Gibson Hasbrouck & Associates  
[info@gha-pd.com](mailto:info@gha-pd.com)  
Specialties: Fluency

**Kay Leach**

Former Region 10 Evaluation for Special Education Consultant  
Educational Diagnostician/Speech Language Pathologist  
[kaytorch@mindspring.com](mailto:kaytorch@mindspring.com)

**Lisa Plemons**

M.Ed.  
Former dyslexia specialist  
Former Region 12 ESC Dyslexia Consultant  
Texas Dyslexia Handbook Committee  
Instructor, Baylor University  
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**Carla Proctor**

B.A. University of Texas at Dallas  
M.A. University of Texas at Dallas  
Ph.D. Texas Woman's University  
Diagnostician  
[cproctor2010@gmail.com](mailto:cproctor2010@gmail.com)  
214 886-9007  
Specialties: Evaluation, Dyslexia, Specific Learning Disabilities

**Heather Stephens**

Ed.D. in Supervision, Curriculum, and Instruction-Elementary Education with an interdisciplinary minor in Reading from Texas A & M University-Commerce  
M.Ed. from the University of Virginia in Special Education  
Previously served on the National Certification of Educational Diagnosticians Board of Directors  
Instructor: graduate courses in Assessment and Consultation in the Reading Research Institute at Southern Methodist University  
(214) 597-8629  
[hstephens@academicdiagnosis.com](mailto:hstephens@academicdiagnosis.com)  
Specialties: Evaluation, Dyslexia, Curriculum

### **Barbara Wendling**

Education Director of the Woodcock-Muñoz Foundation

Director of the Richard Woodcock Institute

Co-author of the manuals for the WJ IV® and the Woodcock Interpretation and Instructional Interventions Programs

[b.wendling@woodcock-munoz-foundation.org](mailto:b.wendling@woodcock-munoz-foundation.org)

Specialties: Evaluation

### **Thea Woodruff**

Project Coordinator for Well-Being in Learning Environments at the Counseling and Mental Health Center

The University of Texas at Austin

(512) 475-6918

[thea.woodruff@austin.utexas.edu](mailto:thea.woodruff@austin.utexas.edu)

Specialties: RTI

### **Terri Zerfas**

Ph.D. from Texas A&M-Commerce

Former instructor/diagnostician at SMU's Diagnostic Center for Dyslexia and Related Disorders.

Diagnostician, Speech Language Pathologist, Licensed Dyslexia Therapist

<http://recordyoursongs.com/speech4learning.com/contact-page.php>

972 814 8326

Specialties: Dyslexia

## **Possible Consultants**

### **Anita Archer**

Ph.D.

Educational consultant to school districts on explicit instruction, the design and delivery of instruction, behavior management, and literacy instruction.

<https://explicitinstruction.org/contact-anita/>

Specialties: Word Study/Spelling

### **Virginia Beringer**

Ph.D. in Psychology at Johns Hopkins University

M.Ed. Reading and Language at The University of Pittsburgh

B.A. Psychology, magna cum laude at Elizabethtown College

Emeritus Professor UW College of Education

[vwb@uw.edu](mailto:vwb@uw.edu)

Specialties: Written Expression

### **Elsa Cárdenas-Hagan**

Ed.D.

Director of Valley-Speech Language and Learning Center

IDA Board of Directors Member-At-Large

Vice President for the International Dyslexia Association

Brownsville, Texas

[valleyspeechllc@att.net](mailto:valleyspeechllc@att.net)

### **Gail Cheramie**

LSSP and Licensed Psychologist, Ph.D.

Recently retired from University of Houston; continues to teach as adjunct faculty

Consults with districts throughout Texas  
(940)898-2467  
[woodcockinstitute@twu.edu](mailto:woodcockinstitute@twu.edu)  
Specialities: assessment, eligibility, and IEP development

**Jane Fell Greene**

B.A. Purdue University  
Ed.D. New Orleans University.  
Author of the research-based *LANGUAGE!* literacy intervention  
[literacy.lady@me.com](mailto:literacy.lady@me.com)

**Marcia Henry**

Ph.D. Psychological Foundations in Education at Stanford  
Retired Professor in the division of Special Education at San Jose State  
President of the International Dyslexia Association 1992-1996  
Author of Unlocking Literacy: Effective Decoding and Spelling Instruction  
[marciakhenry@gmail.com](mailto:marciakhenry@gmail.com)  
Specialties: Morphology

**R. Joshi**

Ph.D  
Texas A & M University Professor of Literacy Education and Educational Psychology  
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Specialties: Reading and Spelling

**Dr. G. Reid Lyon**

Ph.D. Neuroscience (Developmental Neurophysiology) & Learning Disorders (Combined Program)  
University of New Mexico, Albuquerque, NM  
M.A. Educational Diagnostician Program from University of New Mexico, Albuquerque, NM  
B.A. Physiological and Experimental Psychology, Minor: Biology  
North Carolina Wesleyan College, Rocky Mount, NC  
(214) 717-9888  
Specialties: Dyslexia, RTI, Reading

**Nancy Mather**

Professor Emeritus at the University of Arizona for disabilities and psychoeducational studies  
Co-author of the Woodcock-Johnson  
[nmather@email.arizona.edu](mailto:nmather@email.arizona.edu)  
Specialties: Evaluation, Dyslexia, Dyslexia Screening

**Patricia Mathes**

Ph.D. from Vanderbilt University  
M.A. University of Houston  
B.A. Baylor University  
Retired professor of Teaching and Learning and the Texas Instruments Chair of Reading in the Simmons  
School of Education and Human Development at SMU  
(844) 466-8338  
[info@hoteducation.com](mailto:info@hoteducation.com)

Specialties: Intervention

**Karen Miller**

Former Statewide English Language Arts/Reading Curriculum Director,  
Texas Education Agency  
[karin\\_m@sbcglobal.net](mailto:karin_m@sbcglobal.net)

**Louisa Moats**

Ed.D. Harvard University Reading and Human Development (Emphasis on Language and Learning Disabilities)  
M.A. Peabody College of Vanderbilt Learning Disabilities/Special Education  
B.A. Wellesley College Music  
[louisa.moats@gmail.com](mailto:louisa.moats@gmail.com)  
Specialties: Dyslexia, Spelling, Reading, Writing & Teacher Training

**Sharon Vaughn**

Ph.D. University of Arizona  
Professor, Department of Special Education The University of Texas at Austin  
Manuel J. Justiz Endowed Chair in Math, Science, and Technology in Teacher Education  
(512) 232- 2357  
[srvaughn@austin.utexas.edu](mailto:srvaughn@austin.utexas.edu)  
Specialties: Reading, RtI, Teacher training, Curriculum

**Brenda Taylor**

B.A. Elementary Education from the University of Texas-Austin  
M.A. Special Education from Texas Woman's University  
Ph.D. in Curriculum and Instruction with an Emphasis in Reading and Literacy from Texas A&M University  
Former assessment specialist in the Luke Waites Center for Dyslexia and Learning Disorders at Texas Scottish Rite Hospital  
Former Assistant Lecturer in the department of Teaching, Learning, and Culture at Texas A&M University  
Former State Dyslexia Consultant  
[3btaylor@gmail.com](mailto:3btaylor@gmail.com)  
Specialties: Dyslexia, Dysgraphia, Educator Preparation

**Dr. Maryanne Wolf**

UCLA Distinguished Visiting Professor of Education  
Director of the UCLA Center for Dyslexia, Diverse Learners, and Social Justice at the UCLA Graduate School of Education and Information Studies  
Chapman University Presidential Fellow from 2018-2020  
[maryanne@maryannewolf.com](mailto:maryanne@maryannewolf.com)  
Specialties: Dyslexia, Spelling, Curriculum, Reading, Phonics

## Appendix H: Dyslexia Resources

### Additional dyslexia intervention programs aligned with Texas Dyslexia Handbook

- MTA (Multisensory Teaching Approach) <https://mtspublications.com/about-mts/research/>
- Language! Live <https://www.voyagersopris.com/literacy/language-live/overview>
- Wilson <https://www.wilsonlanguage.com/parents/wrs-instruction/>
- RAVE-O <https://www.voyagersopris.com/literacy/rave-o/overview>
- NOW! <http://www.nowprograms.com/>

### Resources for quality, evidence-based instruction/interventions

- <https://ies.ed.gov/ncee/wwc/>
- <https://iris.peabody.vanderbilt.edu>
- <http://www.cer.education.nsw.gov.au>
- [http://www.fcrr.org/for-educators/sca\\_k-1.asp](http://www.fcrr.org/for-educators/sca_k-1.asp)
- <http://www.interventioncentral.org>
- <http://buildingrti.utexas.org>
- <http://centeroninstruction.org>
- <https://www.meadowscenter.org/>
- <http://www.bestevidence.org>
- <https://dyslexiaida.org/do-you-know-which-indicators-explain-interventional-effectiveness-most-reliably/>
- <https://www.childrenslearninginstitute.org/about-cli/>
- <https://www.dyslexiatraininginstitute.org/resources.html>
- <https://www.readingrockets.org/resourceinfo>
- <https://www.osepideasthatwork.org>

# Appendix I: Suggestions for Annual Reporting to the HPISD Board of Trustees

A recent November 2019 Texas Association of School Board (TASB) podcast produced by Dr. Karlyn Keller, the Division Director of Special Education, encouraged school board members to learn about dyslexia and how it's addressed in their districts.

Related to dyslexia, the board could consider the following annual reporting:

1 – District staff to present an exhibit of HPISD policies, procedures, and program data for the screening, identification, intervention, and accommodation of dyslexic students prior to the start of each academic year.

Ideally, a task force of stakeholders, including parents, would have an opportunity to collaborate in the creation of the information provided regarding policies and procedures so that it is understandable and addresses parent questions/concerns. A document like this with accurate, complete information specific to HPISD would be valuable for all parents of dyslexic students.

2 – District staff to collect parent feedback annually via anonymous survey regarding the screening, identification, intervention, and accommodation for all PEIMS-identified dyslexic students with results reported to the board of trustees during the fall academic semester. District could include families who reside in HPISD but attend school elsewhere to ensure all needs / challenges are understood.

Related to #1 above, the following questions would provide information that both the board and parents would find beneficial.

- Current dyslexia-specific curriculum(s) in use that meets Texas Dyslexia Handbook criteria for dyslexia intervention
- Current number of staff (by campus) who meet Texas Dyslexia Handbook criteria to deliver dyslexia intervention
- Percentage of students identified as dyslexic per campus (compared to the national average of 15-20%)
- Number of students identified as dyslexic per campus and per grade level and change from previous year(s)
- 3rd grade, 5th grade and 8th grade STAAR reading scores at each level (does not meet, approaches, meets, masters) by school, for both typical and “at risk” students
- Statistics on Child Find/evaluation referrals. At each level (elementary, intermediate/middle, high school), what percent of evaluation referrals come from teachers, counselors, or parents for both 504 dyslexia-only evaluations and Full Individual Evaluations (FIE) through special education.
- For ChildFind, all statistics that HPISD reports to TEA for the SPP Indicator 11 relating to initial identification process (verbal and written requests for Full and Individual Evaluations (FIEs), notices for refusal to evaluate, students not evaluated, FIEs conducted, students found eligible and ineligible for services)
- Number / Percentage of dyslexic students served on 504 or IEP (only Specific Learning Difference (SLD) designation in academic domains of basic reading skill, reading fluency skills, or reading comprehension)

- Statistics on Kinder /1st-grade dyslexia “at-risk” screening and resulting intervention/evaluation path (Intervention paths: RTI/LLI, *Pre-Flight*, *Take Flight* // Evaluation paths: none, 504, special education)
- Staffing/ratios for *Pre-Flight* and *Take Flight* groups (avg size, smallest & largest size groups) and number of students currently served by *Pre-Flight* and *Take Flight* per grade per campus
- Number of students beginning *Take Flight* without beginning at the beginning of the curriculum (by grade)
- Number of students who receive dyslexia-specific intervention following *Take Flight*, including if it is provided via 504 or special education
- Reinstate and report on formal testing (Ex. Gray Oral Reading Test (GORT), Woodcock Reading Mastery Test, WRAT spelling subtest, etc) before and after dyslexia intervention (*Take Flight*). Report data in order to measure the effectiveness of the program outside of *Take Flight* curriculum-based progress checks
- Options available for dyslexia intervention for students who did not benefit from *Take Flight* or are still reading below grade-level after *Take Flight* (availability of dyslexia-specific curriculum delivered by a teacher with dyslexia credentials)
- Number / percent of students retained at each grade who are receiving Tier 2 or 3 intervention and whether an evaluation was completed before decision to retain was made
- Collect data as a dyslexic student withdraws from the district to attend a local private schools
- Number of dyslexic students on 504 / IEP plans withdrawing from HPISD annually (by campus, cf. to overall rates)
- Annual training provided at every level (evaluators, dyslexia specialists, special education staff, teachers, counselors, 504 coordinators, administrators) regarding dyslexia, dyslexia identification, dyslexia intervention, legal implications of disabilities, accommodation implementation, etc.
- Documentation of mandatory continuing education for classroom teachers regarding new research and practices in educating students with dyslexia (per Texas Dyslexia Handbook)
- Results from the anonymous annual survey of parents of dyslexic students, both statistics and personal comments. (Ideally, the creation of a survey would include input from some parents to ensure it captures information from all perspectives.)
- Current efforts to collaborate with parents
- Areas of growth in the previous year and targeted areas for future improvement

Over time, comparing current year statistics to previous year statistics would provide meaningful data to assess the effectiveness of HPISD’s dyslexia services.

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<sup>1</sup> [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accommodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accommodated_12_11_2018.pdf)

<sup>2</sup> <https://www.ncld.org/forward-together>

<sup>3</sup> <https://medicalxpress.com/news/2009-12-dyslexia-uncouples-iq.html>

<sup>4</sup> <https://www.ncld.org/forward-together>

<sup>5</sup> <https://www.ncld.org/forward-together>

<sup>6</sup> <https://www.bachelorsdegreeonline.com/blog/2011/25-famous-authors-with-learning-disabilities/>

<sup>7</sup> <http://dyslexiahelp.umich.edu/success-stories/ted-turner>

<sup>8</sup> <https://dyslexia.yale.edu/story/charles-schwab/>

<sup>9</sup> <https://www.dyslexicadvantage.org/speaking-positive-dyslexia-new-nobel-prize-winner/>

<sup>10</sup> <https://www.bachelorsdegreeonline.com/blog/2011/25-famous-authors-with-learning-disabilities/>

<sup>11</sup> <https://dyslexia.yale.edu/story/david-boies/>

<sup>12</sup> <https://money.cnn.com/2016/04/01/smallbusiness/kevin-oleary-dyslexia-shark-tank/>

<sup>13</sup> <https://www.businessinsider.com/dyslexic-shark-tank-investors-consider-it-strength-2018-2>

<sup>14</sup> 29 U.S.C. § 794; 34 C.F.R. pt. 104.



<sup>15</sup> “Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities - Introduction,” U.S. Department of Education, <https://www2.ed.gov/about/offices/list/ocr/504faq.html>.

<sup>16</sup> 42 U.S.C. § 12102(1)(A) (incorporated by reference in 29 U.S.C. § 705(9)).

<sup>17</sup> See 20 U.S.C. 1412(a)(3).

<sup>18</sup> <https://www.wrightslaw.com/info/child.find.mandate.htm>

<sup>19</sup> Section 504 of the Rehabilitation Act of 1973, along with Title II of the Americans with Disabilities Act, affords civil rights protections to disabled persons more generally, by providing them equal access to government services (which would include, for example, providing equal access to public buildings through the installation of wheelchair ramps, etc.). See generally 29 U.S.C. § 794; 34 C.F.R. pt. 104 ([https://www.law.cornell.edu/topn/rehabilitation\\_act\\_of\\_1973](https://www.law.cornell.edu/topn/rehabilitation_act_of_1973); <https://www.law.cornell.edu/uscode/text/29/794>).

<sup>20</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878726/>

<sup>21</sup> <https://www.95percentgroup.com/docs/default-source/understanding-dyslexia/understanding-dyslexia-resource-comorbidity.pdf?sfvrsn=2>

<sup>22</sup> <https://www.houstonchronicle.com/denied/>

<sup>23</sup> <https://tea.texas.gov/sites/default/files/OSEP%20011118.pdf>

<sup>24</sup> [https://tea.texas.gov/sites/default/files/Corrective%20Action%20Response%20Letter%20to%20USED%20-%20April%2023%202018\\_2.pdf](https://tea.texas.gov/sites/default/files/Corrective%20Action%20Response%20Letter%20to%20USED%20-%20April%2023%202018_2.pdf)

<sup>25</sup> [https://tea.texas.gov/sites/default/files/Corrective%20Action%20Response%20Letter%20to%20USED%20-%20April%2023%202018\\_2.pdf](https://tea.texas.gov/sites/default/files/Corrective%20Action%20Response%20Letter%20to%20USED%20-%20April%2023%202018_2.pdf)

<sup>26</sup> as required by IDEA section 612(a)(3) and its implementing regulation at 34 CFR §300.111

<sup>27</sup> as required by IDEA section 612(a)(1) and its implementing regulation at 34 CFR §300.101

<sup>28</sup> The United States Court of Appeals for the Fifth Circuit has jurisdiction over federal appellate cases arising in Texas, Louisiana, and Mississippi.

<sup>29</sup> <https://www.texastribune.org/2019/04/05/texas-estimates-it-may-owe-feds-223-million-special-education-funding/>

<sup>30</sup> <http://www.ca5.uscourts.gov/opinions/pub/18/18-60500-CV0.pdf>

<sup>31</sup> [https://brianaballis.weebly.com/uploads/4/0/3/9/40392931/lr\\_impacts\\_se\\_-\\_10-24-19.pdf](https://brianaballis.weebly.com/uploads/4/0/3/9/40392931/lr_impacts_se_-_10-24-19.pdf)

<sup>32</sup> <https://www.the74million.org/article/texas-kids-denied-special-ed-supports-52-less-likely-to-graduate-hs-38-less-likely-to-go-to-college-shocking-new-study-finds/>

<sup>33</sup> <https://www.houstonchronicle.com/news/houston-texas/houston/article/Study-finds-Texas-students-kicked-out-of-special-14572629.php>

<sup>34</sup> [https://s3.amazonaws.com/scschoollfiles/347/region\\_4\\_strategic\\_plan\\_guidance\\_document\\_final.pdf](https://s3.amazonaws.com/scschoollfiles/347/region_4_strategic_plan_guidance_document_final.pdf)

<sup>35</sup> <https://tea.texas.gov/sites/default/files/SPP%2011%20Section%20One%20Flowchart.pdf>

<sup>36</sup> Based on 110 students identified for Fall 2019 HPISD dyslexia survey and the 308 dyslexic students HPISD identified in PEIMS. Note: All are, quite possibly, not fully revealed in the HPISD survey responses because neither survey protected the anonymity of responders. In the interest of promoting full and candid disclosure, parents requested the ability to provide feedback without identifying themselves, but unfortunately, district staff denied this request.

<sup>37</sup> <https://1.cdn.edl.io/2pJpL5DqfINZ20DsrWAZyJARHCd2pDg9TEFiBtSGgNQ2rx0U.pdf> Schools with a focus on learning differences included: Dallas Academy, Oak Hill Academy, The Shelton School, and The Winston School.

<sup>38</sup> [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accommodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accommodated_12_11_2018.pdf) p7

<sup>39</sup> <https://www.aecf.org/blog/poverty-puts-struggling-readers-in-double-jeopardy-minorities-most-at-risk/>

<sup>40</sup> <https://www.ncld.org/wp-content/uploads/2014/11/DiplomasatRisk.pdf>

<sup>41</sup> <https://rptsvr1.tea.texas.gov/perfreport/tapr/2019/index.html>

<sup>42</sup> [https://tea.texas.gov/sites/default/files/STAAR\\_Performance\\_Labels\\_and\\_Policy\\_Definitions.pdf](https://tea.texas.gov/sites/default/files/STAAR_Performance_Labels_and_Policy_Definitions.pdf)

<sup>43</sup> <https://dyslexiaida.org/dyslexia-basics/>

<sup>44</sup> <https://dyslexia.yale.edu/dyslexia/what-is-dyslexia/>

<sup>45</sup> [https://tea.texas.gov/sites/default/files/2016-21\\_Strategic-Plan-Signed.pdf](https://tea.texas.gov/sites/default/files/2016-21_Strategic-Plan-Signed.pdf)

<sup>46</sup> [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accommodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accommodated_12_11_2018.pdf)

<sup>47</sup> [https://www.hpisd.org/apps/pages/index.jsp?uREC\\_ID=938420&type=d&pREC\\_ID=1509460](https://www.hpisd.org/apps/pages/index.jsp?uREC_ID=938420&type=d&pREC_ID=1509460)

<sup>48</sup> <https://drive.google.com/file/d/16Ewx2fZB4JfP6aCABTeN1L4F-34PnBX/view>

<sup>49</sup> [https://blogs.edweek.org/teachers/teaching\\_now/2019/11/lucy\\_calkins\\_creator\\_of\\_reading\\_workshop\\_responds\\_to\\_phonics-centric\\_people.html?r=2133608311](https://blogs.edweek.org/teachers/teaching_now/2019/11/lucy_calkins_creator_of_reading_workshop_responds_to_phonics-centric_people.html?r=2133608311)

<sup>50</sup> <https://4.files.edl.io/86bd/08/15/18/194626-410a2b2a-083a-4b66-9561-30cbd9c6f064.pdf>

<sup>51</sup> <https://www.fountasandpinnell.com/forum/messages?TopicID=1431>

<sup>52</sup> <https://4.files.edl.io/86bd/08/15/18/194626-410a2b2a-083a-4b66-9561-30cbd9c6f064.pdf> p33

<sup>53</sup> [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accommodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accommodated_12_11_2018.pdf) p21

<sup>54</sup> <http://www.rtinetwork.org/learn/what/whatisrti>

<sup>55</sup> <https://www.star-telegram.com/news/state/texas/article228592554.html>

<sup>56</sup> <https://dyslexiaida.org/dyslexia-basics/>

57 <https://dyslexia.yale.edu/dyslexia/what-is-dyslexia/>

58 <https://www.houstonchronicle.com/denied/>

59 <https://rptsrv1.tea.texas.gov/adhocrpt/adser.html> (There are two Highland Park ISDs listed in PEIMS. Dallas Highland Park ISD district is number 057911.)

60 [https://nces.ed.gov/programs/coe/indicator\\_cgg.asp](https://nces.ed.gov/programs/coe/indicator_cgg.asp)

61 <https://www.texastribune.org/2019/04/05/texas-estimates-it-may-owe-feds-223-million-special-education-funding/>

62 <https://www.houstonchronicle.com/denied/>

63 <https://www.chron.com/news/politics/texas/article/Senate-passes-bill-to-bar-Texas-from-ever-again-11084587.php>

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65 [https://nces.ed.gov/programs/digest/d18/tables/dt18\\_204.30.asp?current=yes](https://nces.ed.gov/programs/digest/d18/tables/dt18_204.30.asp?current=yes)

66 Per communication from HPISD Communication Department

67 [https://nces.ed.gov/programs/coe/indicator\\_cgg.asp](https://nces.ed.gov/programs/coe/indicator_cgg.asp)

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69 <https://sites.ed.gov/idea/regs/b/a/300.8>

70 <https://improvingliteracy.org/ask-an-expert/does-special-education-law-include-dyslexia>

71 <https://dyslexiaida.org/dyslexia-basics/>

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74 <https://dyslexiaida.org/dyslexia-basics/>

75 <https://dyslexiaida.org/dyslexia-basics/>

76 Email from Matt Montano, TEA Deputy Commissioner of the Office of Special Populations and Monitoring

77 <https://house.texas.gov/video-audio/committee-broadcasts/> (10/28 Public Education meeting at 2:44 mark)

78 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p24

79 [https://s3.amazonaws.com/scschoollfiles/347/region\\_4\\_strategic\\_plan\\_guidance\\_document\\_final.pdf](https://s3.amazonaws.com/scschoollfiles/347/region_4_strategic_plan_guidance_document_final.pdf)

80 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p25

81 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p16

82 <https://www.gse.harvard.edu/news/uk/16/06/fixing-failure-model>

83 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p7

84 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p4, 78

85 <https://www2.ed.gov/policy/speced/guid/idea/memosdcitrs/osep11-07rtmemo.pdf>

86 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p11

87 <http://dyslexiahelp.umich.edu/dyslexics/learn-about-dyslexia/what-is-dyslexia/debunking-common-myths-about-dyslexia>

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89 [https://tea.texas.gov/About/TEA/News\\_and\\_Multimedia/Correspondence/TAA\\_Letters/Provision\\_of\\_Services\\_for\\_Students\\_with\\_Dyslexia\\_and\\_Related\\_Disorders\\_-\\_Revised\\_June\\_6%2C\\_2018](https://tea.texas.gov/About/TEA/News_and_Multimedia/Correspondence/TAA_Letters/Provision_of_Services_for_Students_with_Dyslexia_and_Related_Disorders_-_Revised_June_6%2C_2018)

90 <https://www.wrightslaw.com/info/child.find.mandate.htm>

91 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p27

92 [https://drive.google.com/open?id=1sVK\\_tnr8rFWvXIEq5aYYzLM4iRooTICb](https://drive.google.com/open?id=1sVK_tnr8rFWvXIEq5aYYzLM4iRooTICb)

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95 [https://www.95percentgroup.com/docs/default-source/understanding-dyslexia/understanding-dyslexia-resource\\_comorbidity.pdf?sfvrsn=2](https://www.95percentgroup.com/docs/default-source/understanding-dyslexia/understanding-dyslexia-resource_comorbidity.pdf?sfvrsn=2)

96 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p4

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100 [https://s3.amazonaws.com/scschoollfiles/347/region\\_4\\_strategic\\_plan\\_guidance\\_document\\_final.pdf](https://s3.amazonaws.com/scschoollfiles/347/region_4_strategic_plan_guidance_document_final.pdf)

101 Per HPISD staff statements in public meetings and parent conversations with HPISD staff and board.

102 <https://www.understood.org/en/school-learning/special-services/504-plan/the-difference-between-ieps-and-504-plans>

103 [https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf)

104 <https://scottishrithospital.org/getattachment/Collapsible-Content-Modules/DYSLEXIA-RESEARCH/Research-Summary-on-Take-Flight.pdf?lang=en-US>

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106 <https://www.fountasandpinnell.com/forum/messages?TopicID=1431>

107 [https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook\\_Approved\\_Accomoded\\_12\\_11\\_2018.pdf](https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook_Approved_Accomoded_12_11_2018.pdf) p91

108 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomoded\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomoded_12_11_2018.pdf) p40

109 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomoded\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomoded_12_11_2018.pdf) p40-41

110 According to communication with TSRH's Karen Avrit (author of Take Flight and Director of Dyslexia Education) and Priscilla Snites (Take Flight Material Coordinator).

111 Per email with HPISD staff: "...depending on the number of students identified and scheduling constraints, we have had group sizes from 4 to 10 students, and this is consistent across the HPISD schools."

112 [https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook\\_Approved\\_Accomoded\\_12\\_11\\_2018.pdf](https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook_Approved_Accomoded_12_11_2018.pdf) p 42

113 <https://www.ncld.org/forward-together>

114 Steve Dyskstra, PhD, SpellTalk list serve Nov 26, 2019

115 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomoded\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomoded_12_11_2018.pdf) p92

116 <https://www.understood.org/en/learning-thinking-differences/treatments-approaches/educational-strategies/accommodations-what-they-are-and-how-they-work>

117 <https://www.region10.org/programs/dyslexia-statewide/resources/>

118 [https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook\\_Approved\\_Accomoded\\_12\\_11\\_2018.pdf](https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook_Approved_Accomoded_12_11_2018.pdf) p54

119 [https://media.disabilityrightstx.org/wp-content/uploads/2018/08/15204406/Reg\\_an\\_Initial\\_Eval\\_New\\_Timeline\\_rev\\_June\\_2015.pdf](https://media.disabilityrightstx.org/wp-content/uploads/2018/08/15204406/Reg_an_Initial_Eval_New_Timeline_rev_June_2015.pdf)

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121 [https://tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3\\_accessible%208.1.pdf](https://tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3_accessible%208.1.pdf)

122 [https://tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3\\_accessible%208.1.pdf](https://tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3_accessible%208.1.pdf)

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124 <https://www.edglossary.org/norm-referenced-test/>

125 <https://www.dallasnews.com/news/2016/05/23/jump-in-dyslexia-diagnoses-spurs-richardson-isd-to-want-to-hire-more-specialized-teachers/>

126 <https://www.garlandisd.net/content/dyslexia-services-expanding-gisd>

127 <https://www.nbcdfw.com/news/local/Frisco-isd-Earns-a-First-Dyslexia-Accreditation-in-Country-School-506483111.html>

128 <https://tea.texas.gov/sites/default/files/2018-2019%20Services%20to%20Students%20with%20Dyslexia%20Program%20Guidelines%20281-30%29.pdf>

129 [https://tea.texas.gov/Finance\\_and\\_Grants/Grants/Grants\\_Awarded/2018-2019\\_Services\\_to\\_Students\\_with\\_Dyslexia\\_Grant](https://tea.texas.gov/Finance_and_Grants/Grants/Grants_Awarded/2018-2019_Services_to_Students_with_Dyslexia_Grant)

130 <https://tea.texas.gov/sites/default/files/041%20Austin%20ISD.pdf>

131 <https://casetext.com/case/william-v-v-copperas-cove-indep-sch-dist-1> Case No. 6:17-CV-00201-ADA-JCM (W.D. Tex. Oct. 22, 2019)

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133 <https://tea.texas.gov/sites/default/files/SPED%20Monitoring%20Stakeholder%20FAQ%2008092019%20.pdf>

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135 <https://legiscan.com/TX/text/HB3/id/2027986>

136 <https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/new-2019-2020-preliminary-summary-finances>

137 <https://www.texastribune.org/2019/05/31/texas-lawmakers-address-improper-special-education-spending/>

138 [https://www.hpsid.org/apps/pages/index.jsp?uREC\\_ID=938250&type=d&pREC\\_ID=1292065](https://www.hpsid.org/apps/pages/index.jsp?uREC_ID=938250&type=d&pREC_ID=1292065)

139 <https://tea.texas.gov/sites/default/files/TEA%20LLOPEZ%20-%20SPED%20Funding%20Weights.pdf>

140 [https://tea.texas.gov/sites/default/files/Dyslexia\\_ppt\\_1stCMM-ccl.pdf](https://tea.texas.gov/sites/default/files/Dyslexia_ppt_1stCMM-ccl.pdf)

141 <https://tea.texas.gov/sites/default/files/TEA%20LLOPEZ%20-%20SPED%20Funding%20Weights.pdf> **Box 1:** 308 from PEIMS plus 5% of the 308 served via IDEA per HPISD. // **Box 2:** Dyslexia / SLD numbers still calculated at current 95% / 5% ratio. // **Box 3:** Dyslexia numbers calculated at national norm (Enrollment x 15%). SLD numbers calculated at national norm (Enrollment x 14% served via IDEA x 34% identified as SLD x 85% of SLD as dyslexic)

142 [https://tea.texas.gov/sites/default/files/Dyslexia\\_ppt\\_1stCMM-ccl.pdf](https://tea.texas.gov/sites/default/files/Dyslexia_ppt_1stCMM-ccl.pdf)

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153 <https://www.apmreports.org/story/2019/08/22/whats-wrong-how-schools-teach-reading>

154 <https://tea.texas.gov/sites/default/files/HB3-Video-Series-Reading-Practices.pdf> p15

155 <https://www.voyagersopris.com/professional-development/letrs/overview>

156 <https://www.readingrockets.org/audience/teachers>

157 [https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://tea.texas.gov/sites/default/files/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p16

158 <https://www.wrightslaw.com/info/child.find.mandate.htm>

159 [https://tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3\\_accessible%208.1.pdf](https://tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3_accessible%208.1.pdf) (p7-8)

160 [https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) (p40)

161 <https://www.understood.org/en/school-learning/special-services/ieps/how-to-tell-if-your-childs-iep-goals-are-smart>

162 <https://www.edglossary.org/norm-referenced-test/>

163 [https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook\\_Approved\\_Accomodated\\_12\\_11\\_2018.pdf](https://www.region10.org/r10website/assets/File/2018-Dyslexia-Handbook_Approved_Accomodated_12_11_2018.pdf) p40

164 <https://www.readingrockets.org/blogs/right-read/fountas-and-pinnell-benchmark-assessment-system-doesn-t-look-right-sound-right-or>

165 [https://s3.amazonaws.com/scschoolfles/347/region\\_4\\_strategic\\_plan\\_guidance\\_document\\_final.pdf](https://s3.amazonaws.com/scschoolfles/347/region_4_strategic_plan_guidance_document_final.pdf)

166 <http://dyslexiahelp.umich.edu/professionals/dyslexia-school/how-dyslexia-affects-the-curriculum>

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