BROWNWOOD INDEPENDENT SCHOOL DISTRICT
SPECIAL EDUCATION OPERATING PROCEDURES:
SPECIFIC LEARNING DISABILITY

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

SPECIFIC LEARNING DISABILITY

Prior to conducting an initial evaluation of a student suspected of having a specific learning disability, in order to ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics, the group of qualified professionals will consider the following:

- Data that demonstrates the student was provided appropriate instruction in reading and/or mathematics within general education settings delivered by qualified personnel.
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction, which must be provided to the student's parents.
    - Documentation of the repeated assessments may include RtI progress monitoring data, in-class tests on grade-level curriculum, or other regularly administered District or classroom assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program.[1]

In order to qualify as a student with a specific learning disability (SLD), the student—

[1] 19 TEX. ADMIN. CODE § 89.1040(c)(9)

- has been determined through a variety of assessment tools and strategies to meet the criteria for a specific learning disability;
- does not achieve adequately for the student's age or meet state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when provided learning experiences and instruction appropriate for the student's age or state-approved grade-level standards, as indicated by performance on multiple measures such as in-class tests; grade average over time (e.g. six weeks, semester); repeated performance on progress monitoring measures; norm- or criterion-referenced tests; and statewide assessments;
- does not make sufficient progress to meet age or state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when using a process based on the student's response to scientific, research-based intervention; or
- exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, state-approved grade-level standards, or intellectual development that is determined to be relevant to the identification of a specific learning disability, using appropriate assessments.[2]
- Except that the student is not one with a specific learning disability if the findings specified above are *primarily* the result of: a visual, hearing, or motor disability; an intellectual disability; emotional disability; cultural factors; environmental or economic disadvantage; or emergent bilingual skills. The presence of a sensory impairment, such as visual impairment, deaf-blindness, or being deaf or hard of hearing does not rule out the possibility of the presence of an SLD.[3]

Dyslexia is an example of and may meet the definition of a specific learning disability in Basic Reading and/or Reading Fluency.[4] Dysgraphia may meet the definition of a specific learning disability in Written Expression. [5]

When considering a student for eligibility as a student with a specific learning disability, the student must be observed in the student's learning environment, including the general education classroom setting, to document the student's academic performance and behavior in the areas of difficulty. The presence of a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement is not required when determining whether a student has a significant learning disability

The Multidisciplinary Team must decide to either:

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[2] *Id.*; 34 C.F.R. § 300.309

[3] TEA's "FAQs: Dyslexia Evaluation, Identification and Instruction—House Bill 3928" is available at https://tea.texas.gov/academics/special-student-populations/special-education/hb-3928-faqs.pdf

[4] TEX. ED. CODE § 29.0031(a); 19 TEX. ADMIN. CODE § 89.1040(c)(9)

[5] *Id.*

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- use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or
- have at least one member of the group of qualified professionals conduct an observation of the student's academic performance in the general education classroom after the student has been referred for an evaluation and the school has obtained parental consent.[6]

The group of qualified professionals conducting an evaluation of a student suspected of having a specific learning disability will conduct assessments and observations, and collect data, as necessary for the ARD Committee to make an eligibility determination.

The determination of whether a student suspected of having a SLD is a student with a disability must be made by a team consisting of:

- the student's parents;
- at least one person qualified to conduct individual diagnostic examinations of children, including:
    - a licensed specialist in school psychology/ school psychologist;
    - an educational diagnostician;
    - a speech language pathologist; or
    - a remedial learning teacher; and
- the student's general education teacher or, if the student does not have a general education teacher, a general education classroom teacher qualified to teach a student of his or her age is required. If the student is younger than school age, an individual qualified by the TEA to teach a student of his or her age.

Are there any additional evaluation requirements for students suspected of having dyslexia?[7]

For students suspected of having dyslexia, the team must include a person with specific knowledge in the reading process, dyslexia and related disorders, and dyslexia instruction who is:

- a licensed dyslexia therapist (LDT);
- an individual who holds the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, either the rules or Handbook adopted by the SBOE; or
- If neither of the first two is available, an individual who meets applicable training requirements adopted by the SBOE.[8]

[6] 34 C.F.R. § 300.310(b)

[7] TEA's "FAQs: Dyslexia Evaluation, Identification and Instruction—House Bill 3928"

[8] TEX. ED. CODE § 29.0031(b); TEA's "FAQs: Dyslexia Evaluation, Identification and Instruction—House Bill 3928" is available at https://tea.texas.gov/academics/special-student-populations/special-education/hb-3928-faqs.pdf

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When identifying dyslexia and determining eligibility or continued eligibility for special education and related services, the ARD committee must include a professional who meets these requirements, including any requirements of TEA's "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."

There are specific evaluation domains and questions outlined in TEA's Dyslexia Handbook that the District must use when determining the presence of dyslexia. When a student is identified with dyslexia and/or dysgraphia, the terms dyslexia and/or dysgraphia, as appropriate, must be used in a student's evaluation report, however, for formal eligibility purposes under special education, the category of specific learning disability will be reported by the District. When making a determination regarding dyslexia, the following questions must be considered:

- Do the data show difficulty with accurate and/or fluent word reading, poor spelling skills, or poor decoding ability?
- Do these difficulties (typically) result from a deficit in the phonological component of language?
- Are these difficulties unexpected for the student's age in relation to the student's other abilities and provision of effective classroom instruction?

When considering the data, the ARD committee must interpret evaluation results in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning. The team must first look for a pattern of evidence reflective of the primary characteristics of dyslexia, i.e., unexpectedly low performance in some or all of the following areas:

- reading words in isolation,
- decoding unfamiliar words accurately and automatically,
- reading fluency for connected text (rate and/or accuracy and/or prosody), and
- spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia).

If the ARD committee determines that the student exhibits weaknesses in reading and spelling, the committee will then examine the student's data to determine whether these difficulties are unexpected in relation to the student's other abilities, sociocultural factors, language difference, irregular attendance, or lack of appropriate and effective instruction.

ARD committees must consider the data with an understanding that:

- No single instrument, score, or formula that will automatically rule in or rule out dyslexia; average phonological scores alone do not rule out dyslexia;
- It is not required that a student demonstrate a specific cognitive weakness on standardized assessments as demonstrated by achieving below a certain threshold to otherwise display a pattern of strengths and weakness relevant to the identification of dyslexia; and
- It is not one single indicator but a preponderance of data (both informal and formal) that provides the committee with evidence for whether these difficulties are unexpected.

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FOR MORE INFORMATION

In Texas, eligibility is determined by the student's Admission, Review and Dismissal (ARD) committee.[9] The phrase *multidisciplinary team* refers to the group of District staff tasked with using a variety of assessment tools and strategies to gather relevant functional, academic and developmental information about the student, including information provided by the parent, as part of the special education evaluation process.[10] For more information, please contact Campus Diagnostician/ Special Populations Director.

LEA Specific Information:

Complete the Psychological Processing Analyzer (PPA)

- Campus Diagnostician must obtain a full scale Intelligence Quotient (IQ) or Mean of cognitive processes
- Campus Diagnostician is required to assess all cognitive areas of the PPA (except Fine Motor)
- If student is also being evaluated for a Language Impairment (the speech assessment can be used for sections of the PPA)
- Classroom observation is required in the class(es) the student struggles in.
- Assessment Observation must be completed by the Diagnostician
- Student's cognitive profile must exhibit a pattern of strengths or average scores and intra-individual weaknesses that link in both the cognitive and academic areas.
    - If the student has the cognitive profile for SLD, **all** academic areas must be evaluated, no matter if there is a concern or not
- Additional data such as district assessments, teacher feedback, state assessments will also be considered when looking at the full profile of a student.
- Exclusionary Factors must be addresses
    - The lack of adequate achievement /sufficient progress can not be primarily the result of visual, hearing or motor difficulty.
    - The lack of adequate achievement/sufficient progress can not be primarily the result of an intellectual disability.
    - The lack of adequate achievement/sufficient progress can not be primarily the result of an emotional disturbance.
    - The lack of adequate achievement/sufficient progress can not be primarily the result of cultural factors.
    - The lack of adequate achievement/sufficient progress can not be primarily the result of an environmental or economic disadvantage.

[9] 19 TEX. ADMIN. CODE § 89.1040(b); 19 TEX. ADMIN. CODE § 89.1050(a)(5)
[10] 34 C.F.R. § 300.306

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- The lack of adequate achievement/sufficient progress can not be primarily the result of a limited English proficiency.
- When evaluating for a Specific Learning Disability, Aledo ISD evaluator will utilize a variety of assessment tools and strategies to gather functional, developmental, and academic information to determine if the student meets Specific Learning Disability. Dyslexia, Dysgraphia, and Dyscalculia are included within an Specific Learning Disability evaluation. Procedures may include any combination of the following: administering standardized cognitive and/ or achievement normed assessments, review of school records, review of teacher/staff information, review of parent information, observations, review/consideration of outside evaluations, review of RTI information, consideration of exclusionary factors.

STAFF RESPONSIBLE:

District Level: Special Populations Director

Campus Level: Campus Special Education Evaluation Staff

TIMELINES:

- 45 school days from consent for completion of the FIE
- Re-evaluations are completed by the due date
- 30 calendar days from the date of the FIE for completion of the ARD meeting

EVIDENCE OF PRACTICE:

- Training Documents
- Indicator Timeline Reports
- Multi-Tiered Systems of Support or Response to Intervention Data
- Student specific data collection and monitoring
- Observation data
- Evaluation reports
- Collection of information from parents and independent service providers
- ARD committee reports

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