

Dyslexia Code (TEC) §38.003

The Texas Education Code (TEC) §38.003 defines dyslexia and related disorders in the following way: "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity. "Related disorders" include disorders similar to or related to dyslexia, such as developmental auditory imperceptions, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code, relating to health and safety under Chapter 38 (Health and Safety), Texas Education Code. (TEC §12.104(b)(2)(K))

The Jean Massieu Academy Open-Enrollment Charter School adopts the requirements of Chapter 38 (Health and Safety), Texas Education Code pursuant to TEC §12.104(b)(2)(K). Where "school" is used in Chapter 38 (Health and Safety), the Jean Massieu Academy Open-Enrollment Charter School hereby substitutes "open-enrollment charter school" to conform to these requirements.

Screening and Treatment for Dyslexia and Related Disorders

Students enrolling in open-enrollment charter schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. (TEC §38.003(a))

It is the policy of the Jean Massieu Academy Open-Enrollment Charter School to refrain from retesting a dyslexic student for the purposes of reassessing the need for accommodations until the school has reevaluated the information from previous testing. (TEC §38.003(b-1))

In accordance with the program approved by the State Board of Education, the board of trustees of each school open-enrollment charter schools shall provide for the treatment of any student determined to have dyslexia or a related disorder. (TEC §38.003(b))

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Full and Individual Evaluation (FIE)

It is the policy of the Jean Massieu Academy Open-Enrollment Charter School to ensure that children with disabilities are evaluated in accordance with the IDEA, including by having in place procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities are selected and administered so as to not be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining whether a child is a child with a disability or for determining an appropriate education program for a child with a disability.

It is the policy of the Jean Massieu Academy Open-Enrollment Charter School to ensure that children are assessed in all areas of suspected disability under the IDEA.

The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication. (TEC §29.004(b))

A written report of a full individual and initial evaluation (FIE) of a student for purposes of special education services shall be completed not later than the 60th calendar day following the date on which the open-enrollment charter school, in accordance with 20 U.S.C. §1414(a), as amended, receives written consent for the evaluation, signed by the student's parent or legal guardian. (TEC §29.004(a))

It is the policy of the Jean Massieu Academy Open-Enrollment Charter School to ensure that upon completion of the administration of such tests

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and other evaluation materials administered according to the evaluation procedures of the IDEA, and preparation of the written report, the ARD committee determines if the child is a child with a disability under state and federal standards.

The School must conduct the initial evaluation within 60 days of receiving parental consent for the evaluation, or a shorter time frame if one is established by the state.

This time frame shall not apply if:

1. A child enrolls in the current school after the relevant time frame has begun and before the previous school made a determination as to whether the child has a disability, but only if the current school is making sufficient progress to ensure a prompt completion of the evaluation and the parent and current school agree to a specific time for completion of the evaluation; or
2. The parent repeatedly fails or refuses to produce the child for the evaluation.

Review of Existing Evaluation Data

A Review of Existing Evaluation Data (REED) is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the admission, review, and dismissal (ARD) committee members and other qualified professionals, as appropriate . The ARD committee members may conduct the review without a meeting

The REED must include a review of the following:

- Evaluations and information provided by the parents of the child;
- Current classroom-based, local, or State assessments, and classroom-based observations; and
- Observations by teachers and related services providers.

On the basis of that review, and input from the child's parents, the ARD committee members must identify what additional data, if any, are needed to determine:

- Whether the child is a child with a disability, and the educational needs of the child, or, in case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
- Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services;
- The present levels of academic achievement and related developmental needs of the child; and
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program (IEP) of the child and to participate, as appropriate, in the general education curriculum.

The local educational agency (LEA) must administer such assessments and other evaluation measures as may be needed to produce the data identified by the REED in accordance with applicable procedural requirements regarding notice and consent.

Consideration of Services Provided in Regular Education Setting

To ensure that underachievement in the child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group of qualified professionals, as part of a full and individual evaluation, must consider

- Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of progress during instruction, which was provided to the child's parents.

(34 CFR 300.309(b))

Coordination of Evaluations with Prior and Subsequent Schools

The school shall ensure that evaluations of children who transfer from one LEA to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. (20 U.S.C. 1414(b)(3)(D))

Information and Consent for Certain Psychological Examinations or Tests

On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. §1414 for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child's need for special education, an open-enrollment charter school shall provide to the child's parent:

- (1) the name and type of the examination or test; and
 - (2) an explanation of how the examination or test will be used to develop an appropriate individualized education program for the child.
- (TEC §29.0041(a))

If the open-enrollment charter school determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent under TEC