

Texas Dyslexia Law and Section 504 Initial Evaluation & Periodic Re-Evaluation

[The following form is to be used when the §504 Committee is conducting an Initial Evaluation to determine eligibility under the Texas Dyslexia Law together with §504 eligibility and for Periodic Re-Evaluations (every three years) for Section 504-eligible students with dyslexia. Do not use Form 10 for Initial Evaluations or Re-Evaluations that include Texas Dyslexia Law eligibility considerations.]

Student:	Student ID #:	Date of Birth:
Grade: Campus:	Previous Campus:	
Referred by:	Position/Relation to Student:	
Date of Referral:	Today's Date:	

Required Texas Dyslexia Law and §504 Committee Membership:
By regulation, the Section 504 Committee is a group of knowledgeable people. List each member attending and check the area of knowledge each provides. Use this chart to document proper attendance. *Each type of knowledge must be present for the Committee to be properly constituted under Texas law for Dyslexia purposes, and Federal law for Section 504 purposes.* Note that Committee members can have more than one type of knowledge. For each member, check all boxes of knowledge that apply. (Attach an additional sheet if necessary).

Name of Committee Member	Position/Title	This member has knowledge of.....
		<input type="checkbox"/> The Child
		<input type="checkbox"/> The Meaning of the Evaluation Data & the dyslexia assessment
		<input type="checkbox"/> The Placement Options
		<input type="checkbox"/> The reading process
		<input type="checkbox"/> Dyslexia and related disorders
		<input type="checkbox"/> Dyslexia instruction
		<input type="checkbox"/> District or charter school, state & federal guidelines for assessment
		<input type="checkbox"/> The Child
		<input type="checkbox"/> The Meaning of the Evaluation Data & the dyslexia assessment
		<input type="checkbox"/> The Placement Options
		<input type="checkbox"/> The reading process
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		<input type="checkbox"/> The Placement Options
		<input type="checkbox"/> The reading process
		<input type="checkbox"/> Dyslexia and related disorders
		<input type="checkbox"/> Dyslexia instruction
		<input type="checkbox"/> District or charter school, state & federal guidelines for assessment

Procedural Checklist:

For an Initial §504 & Dyslexia Evaluation, complete Questions 1-5. If this is a Re-Evaluation, there is no requirement for parental consent (mark Question 1 “N/A”, and complete the other four questions). Please verify by checkmark that each requirement is completed before proceeding.

1. Verify that the parent consented to §504 <i>initial</i> evaluation, Form 5 (<i>Does not apply to re-evaluations</i>)	
2. Verify that the §504 Committee is a group, including a person with knowledge in each of the required areas.	
3. Verify the Student’s dominant language: _____ Dominant language of the home: _____	
4. Verify that the parent received Notice of Parent Rights under §504	
5. Verify <i>how</i> the parent was informed of the date, time, and place for this evaluation (check one)	
In writing <input type="checkbox"/> By Phone <input type="checkbox"/> In Person <input type="checkbox"/> Other: _____	

NOTE on current special education eligibility or pending special education evaluation:

If the student being assessed is either currently eligible under special education (regardless of eligibility category) or is currently undergoing special education evaluation, a dyslexia evaluation under Section 504 is inappropriate, and dyslexia assessment should be pursued under the authority of the student’s ARD Committee and pursuant to the IDEA procedural safeguards.

Texas Dyslexia Evaluation Data.

Pursuant to the Dyslexia Handbook, Revised 2007, Updated 2010 (Blue Book) instructions, the Section 504 Committee will begin the evaluation by determining the student’s eligibility under the Texas Dyslexia Law. The evaluation data reviewed by the §504 Committee to make the dyslexia eligibility decision included data from the following areas (mark with a check to document that each area of required data was reviewed.)

Observations of the teacher, district or charter school staff, and/or parent	
Data gathered from the classroom (including student work and results of classroom measures) and information found in the student’s cumulative folder (including the developmental and academic history of the student).	
The results of administered assessments (including both formal and informal measures) appropriate for the student’s level of reading development, including: reading real words in isolation; decoding nonsense words; phonological awareness; letter knowledge (name and associated sound); rapid naming; orthographic processing; fluency/rate and accuracy; reading comprehension; and written spelling. Previously administered dyslexia assessments must also be reviewed. (Tex. Educ. Code §38.003(b-1)).	
Data-based documentation of student progress during instruction and intervention	
LPAC documentation (where applicable)	
All other accumulated data regarding the development of the student’s learning and the student’s educational needs.	

Texas Dyslexia Law Eligibility.

In making the determination of dyslexia eligibility, the Committee reviewed the evaluation data identified above (including the formal dyslexia assessment), and considered the factors required by the Dyslexia Blue Book as fully described therein. Based on that data, mark each area of consideration with “Agree” or “Disagree.”

Dyslexia Eligibility Factors	Agree	Disagree
The student has received conventional (appropriate) reading instruction;		
The student has experienced an unexpected lack of appropriate progress in the areas of reading and written spelling;		
The student has adequate intelligence (an average ability to learn in the absence of print or in other academic areas);		
The student exhibits characteristics associated with dyslexia (see the primary characteristics and review the student’s underlying cognitive processes associated with dyslexia as explained in the Blue Book); AND		
The student’s lack of progress was not due to sociocultural factors such as language differences, irregular attendance or lack of experiential background.		

Results of Texas Dyslexia Evaluation.

If the Committee marked “Agree” in response to each of the preceding five statements, the student is identified as having dyslexia and is eligible for services under the Texas Dyslexia Law. If the Committee answered any of the previous five statements with “Disagree,” the student is not eligible under the dyslexia law based on Blue Book criteria, and can only receive dyslexia services through action of a Section 504 Committee or ARD Committee when such services are required to provide the student with a free appropriate public education (FAPE). Note that a student can be identified as having dyslexia by a Section 504 Committee or ARD Committee even if Texas Dyslexia Law requirements are not met. This is not, however, a common result.

Based on the evaluation data reviewed, and the answers to the required statements, the Committee has determined that (check one):

The student is ELIGIBLE under the Texas Dyslexia Law.	The student is NOT ELIGIBLE under the Texas Dyslexia Law.
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Section 504 Eligibility

While eligibility under the Texas Dyslexia Law commonly creates eligibility under Section 504, eligibility under Section 504 is determined based on federal eligibility requirements and the analysis below. That analysis must address the impact of the student’s dyslexia on the major life activity of “reading” (in addition to the broader major life activity of “learning”). Should the school suspect that the student has any other impairment(s) in addition to dyslexia, the Section 504 Evaluation should address that/those impairments as well.

Evaluation Data Considered from a Variety of Sources

The Committee reviewed and carefully considered data gathered from a variety of sources, including the Referral Document. [Please check each type of data reviewed by the Committee, or attach copies of the data.]

Parent input	Student work portfolio
Teacher/Administrator Input & Recommendations	Special education records (specify)
Aptitude and Achievement Tests	Social or cultural background
Other Tests	Disciplinary records/referrals
Early Intervention data	Mitigating measures
Grade reports	Adaptive behavior
School Health Information	Dyslexia assessment/Dyslexia progress data
Medical evaluations/diagnoses/physical condition	Other

NOTE: If information from a conversation or other data in unwritten form was considered, please document that oral data relied upon by attaching written notes summarizing the conversation or data.)

Section 504 Eligibility Determination

As directed by Congress in the ADA, the Section 504 Committee understands that the definition of disability “shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.”

<p>1. Does the student have a physical or mental impairment? If so, please identify the impairment(s) in the box below. <i>Notes (1) This is an educational determination only, and not a medical diagnosis for purposes of treatment. (2) Impairments that are episodic, in remission or mitigated should also be listed. (3) OCR guidance indicates that in “virtually every case,” diabetes, epilepsy, bipolar disorder and autism will result in eligibility under Section 504. Extensive documentation or analysis should not be required for these impairments.</i></p>	<p>Eligibility Question #1</p>		
	<table style="margin: auto;"> <tr> <td style="padding: 5px;">Yes</td> <td style="padding: 5px;">No</td> </tr> </table>	Yes	No
Yes	No		

If you answered “yes” to Question 1, identify the impairment(s) here.

<p>2. Does the physical or mental impairment affect one or more major life activities (including major bodily functions)? If so, identify the major life activity or major bodily function by checking the appropriate box or boxes. <i>Note: For an impairment that is episodic, in remission, or mitigated, identify the activity or function affected when the disability was present or active.</i></p>	Eligibility Question #2			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center; border: 1px solid black;">Yes</td> <td style="width: 33%; text-align: center; border: 1px solid black;">No</td> <td style="width: 33%; text-align: center; border: 1px solid black;"></td> </tr> </table>	Yes	No		
Yes	No			

Major Life Activities include, but are not limited to:									
Caring for oneself		Eating		Lifting		Learning		Communicating	
Performing manual tasks		Sleeping		Bending		Reading		Working	
Seeing		Walking		Speaking		Concentrating		Brain function	
Hearing		Standing		Breathing		Thinking		Digestive function	
Functions of immune system		Bowel function				Endocrine function		Other:	
Normal cell growth		Bladder function				Respiratory function		Other:	
Reproductive function		Neurological function				Circulatory function		Other:	

<p>3. Does the physical or mental impairment <i>substantially limit</i> a major life activity? <i>Notes: (1) “Substantially limits” does not mean “significantly restricted.” (2) This question asks whether the person evaluated is substantially limited in performing a major life activity as compared to the “average student” of the same grade or age or as compared to “most students” of the same grade or age. (3) The ADA requires that when making this determination, the Committee should not consider the ameliorative (helpful or positive) effects of mitigating measures (except for ordinary eyeglasses or contact lenses). (4) The fact that the impairment is episodic (the impact of the impairment is sometimes substantially limiting, but not always), or in remission, does not preclude eligibility if the impairment would substantially limit a major life activity when active.</i></p> <p>If Eligibility Question 3 is answered “no,” explain why the student is not substantially limited and describe how the committee addressed the positive impact of mitigating measures (what measures are used by/for the student, and what was their impact?):</p>	Eligibility Question #3			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center; border: 1px solid black;">Yes</td> <td style="width: 33%; text-align: center; border: 1px solid black;">No</td> <td style="width: 33%; text-align: center; border: 1px solid black;"></td> </tr> </table>	Yes	No		
Yes	No			

<p>Section 504 Plan & Placement (completed only if each of the three preceding questions were answered “Yes.”).</p> <p>Does the student need Section 504 services in order for his/her educational needs to be met as adequately as those of non-disabled peers? <i>Notes: (1) If the student’s needs are so extreme as to require special education and related services, a referral to special education should be considered. (2) If the student’s impairment is in remission, and creates no need for services or accommodations, the student is not in need of a §504 Services Plan. (3) If the student’s needs are currently addressed by mitigating measures with no need for additional services or accommodations, and the mitigating measures are provided or implemented by the student, with no action required by the school, the student is not in need of a §504 Services Plan.</i></p> <p>If the Plan and Placement question is answered “no,” explain why the student does not need a Section 504 Services Plan:</p>	Plan & Placement Question			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center; border: 1px solid black;">Yes</td> <td style="width: 33%; text-align: center; border: 1px solid black;">No</td> <td style="width: 33%; text-align: center; border: 1px solid black;"></td> </tr> </table>	Yes	No		
Yes	No			

Analyzing the results of the Committee’s answers

1. If all four questions are answered “YES”, the student is eligible for both the nondiscrimination and FAPE (Section 504 Services Plan) protections of Section 504. The Section 504 Committee will create a Section 504 Services plan for this student.
2. If only the first three questions are answered “YES”, the student is eligible for the nondiscrimination protections of Section 504, together with manifestation determination, procedural safeguards, and periodic Re-Evaluation (at least ever three years) or more often as needed. The Section 504 Committee will not create a Section 504 Services Plan at this time as the student’s needs are currently being met as adequately as his nondisabled peers. Should such a need develop, the §504 Committee shall re-convene and develop an appropriate Section 504 Services Plan at that time.
3. If any of the first three answers is “NO”, the student is not eligible for Section 504 nondiscrimination protection and is not eligible for a Section 504 Services Plan.

Special instructions for implementing the decision:

1. For students eligible under both the Texas dyslexia law and Section 504: The Committee should develop appropriate services using Form 13.
2. For students determined eligible for Section 504, but not under the Texas dyslexia law: The Committee should consider appropriate services utilizing Form 13.
3. For students eligible under the Texas dyslexia law but not eligible for Section 504: The Committee should consider appropriate accommodations including dyslexia services. These accommodations and services should be documented on the appropriate local form. *Do not use Form 13 for a student who is not §504-eligible.*

Section 504 Committee’s Decision

The Section 504 Committee’s analysis of the eligibility criteria as applied to the evaluation data indicates that at this time (check the appropriate box or boxes):

Not §504 Eligible. The student is not eligible under Section 504.	
§504 Eligible + Plan + Dyslexia Services. The student is identified as dyslexic, is eligible under Section 504, and will receive a Section 504 Services Plan that governs the provision of a free appropriate public education to the student. The Plan will include dyslexia services. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation (at least ever three years) or more often as needed, as well as the nondiscrimination protections of Section 504.	<input type="checkbox"/>
§504 Eligible + Plan + No Dyslexia Services. The student is eligible under Section 504, and will receive a Section 504 Services Plan that governs the provision of a free appropriate public education to the student. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation (at least ever three years) or more often as needed, as well as the nondiscrimination protections of Section 504.	<input type="checkbox"/>
§504 Eligible + No Plan (In Remission). The student is eligible under Section 504, but will not require a Section 504 Services Plan because the physical or mental impairment is in remission, and there is no current need for services. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation or more often as needed, as well as the nondiscrimination protections of Section 504. Should need for a Plan develop, the Section 504 Committee shall reconvene and develop an appropriate Section 504 Services Plan.	<input type="checkbox"/>
§504 Eligible + No Plan (Mitigating Measures). The student is eligible under §504, but will not require a §504 Services Plan because the student’s needs are met as adequately as his nondisabled peers due to the positive effect of mitigating measures currently in use. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation or more often as needed, as well as the nondiscrimination protections of §504. Should need for a Plan develop, the §504 Committee shall reconvene and develop an appropriate §504 Services Plan. This result applies when the mitigating measures are neither provided by nor implemented by the School.	<input type="checkbox"/>

<p>§504 Eligible + No Implemented Plan (Refusal/Revocation of Consent for Services). The Student is eligible under §504, but will not be served under a §504 Services Plan at this time because the Student’s Parent has either refused consent for initial Section 504 Services or has revoked consent for continued Section 504 Services. The Parent’s action is documented in Form 12. The Committee will complete the Section 504 Services Plan (Form 13), but the Plan will not be implemented due to the Parent’s refusal to consent or revocation of consent. The Student will receive manifestation determination, procedural safeguards, periodic re-evaluation or more often as needed, as well as the nondiscrimination protections of §504. Should the Parent desire Section 504 Services for the Student, the Parent will notify the §504 Coordinator to convene a Section 504 Meeting.</p>	
<p>Continued §504 Eligibility. The student remains eligible under Section 504, and will receive an updated Section 504 Services Plan that governs the provision of a free appropriate public education to the student. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation (at least ever three years) or more often as needed, as well as the nondiscrimination protections of §504. (For use with Re-Evaluations).</p>	
<p>Dismissal from §504. The student is no longer eligible for Section 504 and is exited from the program. The student will now receive regular education without Section 504 services. The student will receive the nondiscrimination protections of Section 504 as a student with a record of an impairment, together with procedural safeguards, but will not receive manifestation determination, or periodic re-evaluation (at least ever three years).</p>	
<p>IDEA Eligible & §504 Dismissal. The student has been determined special education eligible by an ARD Committee/IEP Team. Consequently, the student is no longer served through a Section 504 Committee and is exited from the program. The student will receive a free appropriate education through the ARD Committee/IEP Team, together with the nondiscrimination protections and procedural safeguards of Section 504.</p>	
<p>Other (please describe)</p>	

Additional notes or explanations by the Committee:

**[Parents must be provided notice of the results of this meeting.
The Notice of Section 504 Evaluation Results, Form 11, can be used for this
purpose.]**