

# Eugene & Associates, PC

February 6th, 2022

## February News & Information



### Your source for local & national Educational News!

This month's newsletter features information on Decoding the Dyslexia Handbook, information on Nepotism Laws, news of a sponsorship and more!

For questions or more info, contact us!

[info@deugenelaw.com](mailto:info@deugenelaw.com)

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### Decoding the Dyslexia Handbook 2021 Update

#### 5 Things Your School District Needs to Know to Remain in Compliance

By: Paige Bostic, Attorney

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The Dyslexia Handbook (the "Handbook") is a widely used guidance tool provided by the Texas Education Agency ("TEA") to our school districts and open-enrollment charter schools to help them navigate the procedural pitfalls associated with identification, instruction, accommodations, and modifications associated with supporting dyslexic learners.

#### Here are the things you need to know to keep your district in compliance:

##### 1. The Dyslexia Handbook 2021 Update will go into effect on February 10, 2022!

Mark your calendars! Though the official update was approved by the Texas State Board of Education on September 3, 2021, the policy changes go into effect on February 10, 2022. Those changes include evaluation, screening, type of providers, and funding.

##### 2. Evaluation for Dyslexia or Other Related Disorders require parental consent for a Full Individual Initial Evaluation

The Handbook provides that Dyslexia and Dysgraphia are now evaluated under the single standard outlined in IDEA ("Individuals with Disabilities Education Act") to ensure that the school districts and open-enrollment charter schools remain in compliance with federal "Child Find" requirements. Thus, if your LEA believes that a student has dyslexia, dysgraphia, or a related disorder, then the LEA must receive informed parental consent to conduct a Full Individual Initial Evaluation ("FIIE"). Informed parental consent requires prior written notice and the receipt of the Notice of Procedural Safeguards provided by TEA.

##### 3. A Reduction of the Skills Assessed by Local Education Agencies ("LEAs") to Screen for Dyslexia

The Handbook also provides for a reduction in the skills required to be assessed in the universal screening tools. The criterion for kindergarten screening instruments is letter-sound knowledge/letter naming fluency and phonological awareness. The criterion for first-grade screening instruments is word reading accuracy/fluency and phonological awareness.

##### 4. A Change to Dyslexia Provider Qualifications

The 2018 Dyslexia Handbook set forth regulations regarding the requirements of educators who delivered dyslexia instruction. The 2021 Handbook update, added language to allow, "a provider of dyslexia instruction does not have to be certified as a special educator when serving a student who also receives special education and related services if that provider is the most appropriate person to offer dyslexia instruction."

##### 5. Additional Funding, Thanks to HB 1525

In the 87th Texas Legislative Session, HB 1525 amended the Education Code, Government Code, and Labor Code, in relevant part to provide TEA with an additional \$50 million to aid in supporting school districts and open-enrollment charter schools in providing reimbursements and support to staff to acquire the proper dyslexia credentials necessary to support dyslexic learners.

If you would like additional support in navigating the Dyslexia Handbook 2021 Update, please call Paige Bostic at (512) 662-7415 or email me at [pbostic@deugenelaw.com](mailto:pbostic@deugenelaw.com)

## Superintendent's Corner



This month in our  
Superintendent's Corner:

### EXCEPTION TO NEPOTISM LAWS

I am writing to provide an update on whether there is an exception to the nepotism standards for hiring a board member's spouse when the Superintendent holds sole hiring authority. Yes, an ISD will be able to hire the spouse of a board member on the condition that the Superintendent has been delegated sole hiring authority and the ISD remains located completely or with the largest portion of the school district in a county with an estimated population of under 35,000. If the Superintendent holds sole hiring authority, then the board member's spouse may be hired as an at-will or under contract employee. If the Superintendent only holds at-will hiring authority, then the board member's spouse may only be hired on an at-will basis.

Under Texas Government Code § 573.002, "a public official" may not appoint, confirm, or vote to employ an individual to a position that is compensated by public funds if the individual is related to the public official by blood or by marriage. For a board member to be exempt from the nepotism prohibition, the district has to be completely in or have the largest part of the district located in a county with a population of less than 35,000 and the Superintendent has to have sole hiring authority. See TEX. EDUC. CODE § 11.1513 (f) – (h). **Please feel free to give us a call at 512.662.7415 with any questions or concerns.**

## Eugene & Associates Monthly Spotlight



Eugene & Associates, PC, is a co-sponsor for the Texas Alliance of Black School Educators ("TABSE") 37th Annual State Conference, hosted from February 9-13, 2022!

### WHY CHOOSE US?

Eugene & Associates, PC, is a boutique law firm specializing in education law and regulation, public finance, renewable energy and nonprofits. At Eugene & Associates, PC, we strive to bring added value to our client partners through sound legal advice, responsive business practices and a personal touch to achieve successful business outcomes.

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