

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-22
DYSLEXIA INDIVIDUALIZED LEARNING PLANS**

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0520-01-22-.01 CHAPTER DEFINITIONS.

- (1) Characteristics of Dyslexia” means reading challenges that are identified when a student is:
 - (a) Identified by the composite score of the universal reading screener and/or the Early Warning System (in grades 9-12 only); and
 - (b) Demonstrates deficiencies in fifty percent (50%) or more of the grade appropriate subtests of skills which support the goal of reading proficiently as identified by the Department’s Minimum Universal Reading Screening Matrix.
- (2) “Dyslexia” is a specific learning disability as defined in State Board Special Education Rules Chapter 0520-01-09 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.
- (3) “Early Warning System” means a tool that allows school-level teams to manage attendance, behavior, and academic performance indicators that may impact academic performance and/or indicate other risk factors for high school students.
- (4) “English Learner” (EL) means a Non-English Language Background (NELB) student who qualifies for ESL services via a Department of Education approved English language Proficiency screener.
- (5) Individualized Learning Plan - Dyslexia” or “ILP-D” means a document developed by the LEA or public charter school for students with Characteristics of Dyslexia in accordance with T.C.A. § 49-1-229 and this Chapter that prescribes the academic goals, supports, and/or accommodations that a student may need to access classroom instruction, in addition to exit criteria.
- (6) "Local Education Agency" or "LEA" means, pursuant to T.C.A. § 49-3-104(15), a county, city, or special school district, unified school district, school district of a metropolitan form of government, or another school system established by law.
- (7) “Minimum Universal Reading Screening Matrix” means a state-designed tool that identifies the subtests required at each grade level for all state-approved universal reading screeners and determines the grade appropriate subtests necessary for the screening process for Characteristics of Dyslexia.

(Rule 0520-01-22-.01, continued)

- (8) “Nationally Normed” means screener scores, classifications, and score distribution percentiles are reported and calibrated using a representative national sample.
- (9) “Non-English Language Background (NELB) Student” means a student whose parent(s) or guardian(s) list a language other than English in response to any question on the home language survey. A NELB student may or may not qualify for ESL services.
- (10) “Response to Instruction or Intervention” or “RTI²” means a multi-tiered approach focused on prevention and early intervention that uses a data-driven problem-solving model to identify and address areas of academic need. RTI² is founded on high-quality core instruction for all students (i.e., Tier I), the addition of targeted intervention for some students (i.e., Tier II), and intensive intervention for a few students (i.e., Tier III).
- (11) “State Board” means the Tennessee State Board of Education.
- (12) “Student” means an individual enrolled in a public K-12 LEA or a public charter school.

Authority: T.C.A. § 49-1-229, 49-1-302, 49-1-102, 49-3-104, 49-3-105 **Administrative History:** *Emergency rules filed August 19, 2022; effective through February 15, 2023.*

0520-01-22-.02 DYSLEXIA INDIVIDUALIZED LEARNING PLANS.

- (1) In accordance with T.C.A. § 49-1-229 and Tennessee Department of Education Rule 0520-12-05-.04:
- (a) A Student in grades kindergarten through three (K-3) is determined to have Characteristics of Dyslexia if the Student:
1. Falls below the 25th percentile on the composite score on the Tennessee universal reading screener provided by the Department or on a nationally normed, skills-based universal reading screener approved by the State Board as set forth in State Board Rule 0520-01-03-.15;
 2. Displays deficits in fifty percent (50%) or more of the grade-appropriate subtests identified by the state’s Minimum Universal Reading Screening Matrix which could include the following areas:
 - (i) Phonological awareness;
 - (ii) Phonemic awareness;
 - (iii) Sound symbol recognition;
 - (iv) Alphabet knowledge;
 - (v) Decoding skills;
 - (vi) Rapid naming; or
 - (vii) Encoding skills; and
 3. As observed and agreed upon by both the Student’s teacher and parent(s) or guardian(s), has demonstrated the Characteristics of Dyslexia as described the Dyslexia Resource Guide, developed pursuant to T.C.A. § 49-1-229.

(Rule 0520-01-22-.02, continued)

- (b) A Student in grades four through eight (4-8) is determined to have Characteristics of Dyslexia if the Student:
1. Falls below the 25th percentile on the composite score on a nationally normed, skills-based universal reading screener;
 2. Displays deficits in fifty percent (50%) or more of the grade-appropriate subtests identified by the state's Minimum Universal Reading Screening Matrix which could include the following areas:
 - (i) Phonological awareness;
 - (ii) Phonemic awareness;
 - (iii) Sound symbol recognition;
 - (iv) Alphabet knowledge;
 - (v) Decoding skills;
 - (vi) Rapid naming; or
 - (vii) Encoding skills; and
 3. As observed and agreed upon by both the Student's teacher and parent(s) or guardian(s), has demonstrated the Characteristics of Dyslexia as described the Dyslexia Resource Guide, developed pursuant to T.C.A. § 49-1-229.
- (c) A Student in grades nine through twelve (9-12) is determined to have Characteristics of Dyslexia if:
1. The LEA's or public charter school's Early Warning System detects that the Student may be at-risk for a reading deficit;
 2. The Student displays deficits in fifty percent (50%) or more of the grade-appropriate subtests identified by the state's Minimum Universal Reading Screening Matrix for grades 9-12 which could include the following areas:
 - (i) Phonological awareness;
 - (ii) Phonemic awareness;
 - (iii) Sound symbol recognition;
 - (iv) Alphabet knowledge;
 - (v) Decoding skills;
 - (vi) Rapid naming; or
 - (vii) Encoding skills; and
 3. As observed and agreed upon by both the Student's teacher and parent(s) or guardian(s), has demonstrated the Characteristics of Dyslexia as described the Dyslexia Resource Guide, developed pursuant to T.C.A. § 49-1-229.
- (d) Each LEA and public charter school shall:
1. Develop for Students with Characteristics of Dyslexia in grades Kindergarten through three (K-3), a language-focused ILP-D that provides appropriate tiered dyslexia-specific interventions in accordance with T.C.A. § 49-1-229, Tennessee

(Rule 0520-01-22-.02, continued)

Department of Education Rule 0520-12-05-.04 and the Tennessee Investment in Student Achievement (TISA) Guide created by the Department, and designed to provide access to instruction aligned to grade-level academic standards;

2. Develop for Students with Characteristics of Dyslexia in grades four through twelve (4-12), an ILP-D that provides appropriate tiered dyslexia-specific intervention in accordance with T.C.A. § 49-1-229, Tennessee Department of Education Rule 0520-12-05-.04 and the Tennessee Investment in Student Achievement (TISA) Guide created by the Department, and designed to provide access to instruction aligned to grade-level academic standards and access to assistive technology supports;
 3. At least annually, review and revise each Student's ILP-D;
 4. Notify in writing the parent(s) or legal guardian(s) of a Student with Characteristics of Dyslexia:
 - (i) Before implementing the Student's ILP-D;
 - (ii) Of progress monitoring data;
 - (iii) Regarding the special education referral process; and
 - (iv) Of the parent's or legal guardian's right to decline an ILP-D and that declining an ILP-D does not constitute a waiver of RTI² services; and
 5. Adopt and implement an oversight plan that outlines the development, implementation, and monitoring of ILP-Ds for Students with Characteristics of Dyslexia in accordance with Tennessee Department of Education Rule 0520-12-05-.04 and the Tennessee Investment in Student Achievement (TISA) Guide. At a minimum, ILP-D oversight plans shall include procedures regarding:
 - (i) The development of ILP-Ds for all students with Characteristics of Dyslexia in the LEA or public charter school;
 - (ii) The monitoring of student progress on ILP-Ds quarterly;
 - (iii) Annual review and revision of ILP-Ds;
 - (iv) Communication with parents and/or legal guardians and notification regarding ILP-Ds;
 - (iv) The special education referral process and how the LEA will ensure RTI² is not used to delay or deny special education evaluations;
 - (v) The seamless coordination of services and supports for Students with Characteristics of Dyslexia who are also English Learners and/or students with disabilities;
 - (vi) Identification of school-based staff who are responsible for developing and implementing ILP-Ds;
 - (vii) Training for appropriate staff regarding ILP-D requirements, development, and implementation; and
 - (ix) The sufficient staffing and resources required to support the development and implementation of all ILP-Ds across the LEA or public charter school.
- (e) LEAs shall monitor authorized public charter schools to ensure compliance with this Chapter.
- (f) A Student with Characteristics of Dyslexia shall not have an ILP-D if:
1. A parent or legal guardian declines an ILP-D;

(Rule 0520-01-22-.02, continued)

2. The Student with an ILP-D is subsequently determined eligible for special education and related services to support deficiencies in the area(s) of basic reading, reading fluency, or reading comprehension; or
 3. The Student has a primary or secondary eligibility category on the Student's finalized IEP to support deficiencies in the area(s) of basic reading, reading fluency, or reading comprehension.
- (g) LEAs shall ensure that English Learner students suspected of having Characteristics of Dyslexia are screened and served in accordance with T.C.A. § 49-1-229 and the State Board Rule Chapter 0520-01-19. In addition to an ILP-D developed pursuant to this Chapter, an LEA shall provide to an English Learner student identified as having Characteristics of Dyslexia an individualized learning plan (ILP) in accordance with the State Board Rule Chapter 0520-01-19. The English Learner student's ILP and ILP-D shall be coordinated to ensure the seamless provision of coherent and complete services and supports.

Authority: T.C.A. §§ 49-1-229, 49-1-302 and 49-3-104. **Administrative History:** *Emergency rules filed August 19, 2022; effective through February 15, 2023.*