



TEXAS PROFESSIONAL EDUCATIONAL DIAGNOSTICIANS

UPDATE

Chair Report

Board of Registry Fall Meeting

Greetings and Happy Fall! On behalf of the Board of Registry, we hope you are doing well and adjusting to the changes in life, and in our profession, that have accompanied COVID-19.

This year has forced many of us to adapt and grow personally and professionally, and that is true for our Board. The Board typically meets twice a year, once in person in the spring and virtually in the fall. This year, both meetings were held virtually and while we missed the in-person camaraderie there was no less synergy as we planned for this fall and next spring.

We completed our board election for 2020 via Google and are excited about the new members joining the Board in January 2021, as Sarah Johnston and I rotate off. Thank you, Sarah, for your tireless work during the day for our families of kids with disabilities and staff who serve them and the time you have carved out these 6 years to serve the TPED organization. Your expertise has been invaluable and we thank you!

Beginning in January, your new Board members will be:

Chair: Jennifer Vasquez

Vice Chair & Professional Visibility: Michelle Hall

Treasurer: Melissa Politz

Secretary: Jacie Vandenboom

Continuing Education: Stephanie Lee

Legislative: Jeanine Birdwell

Credentials: Angie Elkins

We hope you are taking part in the virtual continuing education opportunities advertised, the *Beyond The Score* webinars, and benefiting from *This Just In* by Jim Walsh. The Board is excited to again host our Symposium in conjunction with TEDA's virtual Annual Conference on December 13, 2020. Dr. Ed Schultz, Associate Professor of Special Education at Midwestern State University, will be presenting on Executive Functioning. Current TPED members, while required to register, may attend for free while non-members can register and pay \$30. Spread

the word!

And finally, as my term on the TPED Board of Registry comes to an end, I look back on these six years with gratitude. As with all things in our profession, our Board has been presented with many opportunities to grow and have tackled these with open minds, innovative spirits, all while working as a team. It has been my joy to serve you and I am grateful to each of you for the role you play in your local organizations, as we strive to continually embody our motto, "Not Just Competence...Excellence".

All the best,
Leslie

New Board Member



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*WELCOME to the Texas
Board of Registry*

*Jeanine Birdwell
Legislative*

While teaching science and coaching, Dr. Birdwell completed her MS in Special Education with an Educational Diagnostician Certification. She began working as an Educational Diagnostician in January of 2009. Dr. Birdwell returned to school in 2012 and earned an EdD in Educational Leadership. She currently works as an Educational Diagnostician, on a consult basis and is devoting her time to preparing future diagnosticians. As a professor at TAMU-CC, Dr. Birdwell's goal is to lay a solid foundation in assessment and prepare her students to be lifelong learners.

Dr. Birdwell is passionate about the role of helping to develop Educational Diagnosticians and looks forward to giving back in this field. We are so excited that Dr. Birdwell is joining us on the Texas Board of Registry!

SYMPOSIUM 2020

December 13, 2020

4:00-6:00 via Zoom

Executive Functioning

Presented by Dr. Ed Schultz,
Associate Professor of Special Education at
Midwestern State University

Free to Current TPED Members

\$30 for Non-Members

CEUs provided

Symposium Registration

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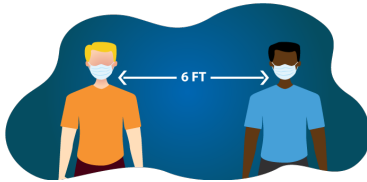
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<https://www.facebook.com/groups/tpedmembers>

TPED Members Only

The New Normal



If someone had asked diagnosticians what special education evaluations in 2020 would look like, we would never in a million years have thought it would look like this! Plexiglass barriers, face masks/shields, cleaning protocol, virtual ARDs, virtual assessment, and gallons of hand-sanitizer at every corner.....it's like a cross between an apocalyptic movie and The Jetsons. Here's what we do know! Diagnosticians have embraced this reality, worked outside the box to solve problems, and continued to do what they do best without a hitch!

We found ways to safely evaluate students by utilizing all sources of data in order to make good eligibility decisions. We used our "engineering" skills and rigged clear shower curtains to PVC pipe to build barriers for safe testing and observations. We worked tirelessly during the pandemic and remote learning in order to continue to meet timelines, because even a worldwide pandemic will not stop a timeline or even provide leniency. All of these examples prove once again our ability to be resilient, flexible, and innovative during challenging times.

Make no mistake, this profession is not for the faint of heart!!!

WE ARE SUPERHEROES!!

That being said, we are providing you with some statements that we have collected to use in FIE's that describe the "new normal" for evaluations. Hopefully, you find these useful.

Due to deviations from standardized testing procedures as a result of safety protocols to limit the spread of COVID-19, along with possible social-emotional side-effects from the COVID-19 pandemic resulting in potential impairment of cognitive abilities, caution should be used when interpreting current assessment findings. The findings should be taken in context with other sources of data (curriculum-based measures, response to intervention data, prior assessment, teacher reports, etc.) when making eligibility recommendations.

The following safety protocols were in effect during administration of the WIAT-III, WJ-IV Cog, and OWLS-II: a Plexiglas shield was on the table between the examiner and Student, and both the examiner and Student wore a mask. The easel was placed on the examiner's side, and the seating arrangement was consistent with the recommendation in the manual. Student indicated he had no difficulty seeing the stimulus items. While these conditions did not adversely affect Student's participation in the assessment process, they are noted as inconsistent with standardized procedures. Given Student's level of attention and cooperation with the procedures, the results are considered valid for interpretation.

Although observations are typically completed in a classroom at a school, Ann is participating in the virtual learning platform and therefore the observation was completed virtually via Webex. Limitations with a virtual observation include not being able to fully see how the student interacts with peers socially.

Ann was observed in a synchronous instructional math session on 10/20/20. The observer was admitted to the class via Webex platform. The platform utilized by the district for virtual learning is Edgenuity. The observation time period was from 10:30-11:00. Ann appeared to be sitting at a table and was working independently. She appeared to be engaged as the teacher instructed the group of 10 students on multiplication with regrouping. The students were muted and when they would raise their hand the teacher would unmute them to allow for questions or comments. The teacher utilized screen sharing at times to demonstrate the process. After demonstrating the process multiple times, she assigned the class a problem to solve independently and allowed an appropriate amount of time for students to solve the problem. Ann appeared to be working to solve the problem (i.e. looking at her paper and writing). The teacher then asked for a volunteer to provide the answer and talk through the process used to find the answer. Ann was called on after she raised her hand. She answered correctly and provided the appropriate steps for solving the problem. This process was repeated 3 more times and then the students were given an independent assignment of 10 problems to complete and submit by the next day. During this observation, Ann appeared to be engaged and attentive and participated appropriately in the lesson.

Membership Drive



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Membership Drive

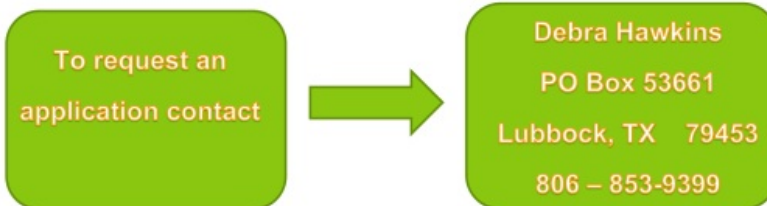
Calling all TPED members...



Refer an eligible colleague for TPED membership. If the referral results in a completed application, you will earn a \$25.00 gift card.

Completed application packets are due by March 15, 2021. After the application packet has been approved, applicants will be given a list of approved licensed testing facilities in their area. The applicant will be responsible for completing and submitting an Alternate Test Site form indicating the testing facility of their choice, contact information, and scheduled testing appointment. TPED will work with and provide test materials to the testing facility.

The applicant must test during the scheduled testing window; May 15 to July 1, 2021.



Legal Update with Jan Watson



Once per year, TPED Board of Registry has the opportunity to receive legal updates and reminders for best practices from Jan Watson with Walsh Gallegos. Cases reviewed with the board are listed below for your reference.

ADA & Section 504

In *D.C. v. Klein ISD*, the court affirmed a Hearing Officer ruling that district moved too slowly toward a special education referral, therefore violating Child Find. The student's 504 team indicated that the major life activity of concern was learning and based on that the student was a candidate for special education.

Eligibility

The *E.C. v. Unified School District 385 Andover* case involved the parents wanting an autism eligibility. The Hearing Officer heard multiple witnesses testify how the IEP appropriately addressed the special needs of the student. With the needs of the student being addressed the court concluded that the eligibility documented to the IEP was "immaterial".

Parent Rights and Responsibilities

In *Sanchez v. District of Columbia*, the court held the district harmless for any denial of meaningful parent participation. In this case the parent failed to cooperate with efforts from the school to address moving their student from a private school to a different private school.

The *J.F. v. Byram Township Board of Education* case resulted in the court denying the parental request for reimbursement for private school based upon the parents' unreasonable behavior.

Evaluations

In *Amanda P. v. Copperas Cove ISD* the parents complained about an eight-month delay from the time they first requested testing for dyslexia until the IEP was put into place. The court considered the delay "reasonable". The decision of reasonableness was based upon the parents never objecting to the timeline and that the district "was not idly standing by" during that time.

New Board Member



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*WELCOME to the Texas
Board of Registry*

*Jacie Vandenkoorn
Secretary*

Jacie is a dedicated educator in Lewisville ISD, wife and mother of three beautiful girls. She holds a B.S. with a double major in psychology and child learning and development, as well as an M.S. in human development and early childhood disorders, both from UTD. Jacie taught special education at a charter school in an inner city and in Plano ISD. During that time, she taught EC-5th grade special education in the inclusion, resource, and self-contained settings.

After attending UNT to get her diagnostician certification, Jacie began working for Lewisville ISD, and has been with the district for 8 years. In LISD, Jacie is a member of the Diagnostician Advisory Group, the C-SEP committee, and the dyslexia committee. In addition to individual mentorship, she has provided trainings for over 70 diagnosticians on the C-SEP model for evaluation.

We are so excited to welcome Jacie to the Texas Board of Registry!

Dyslexia and the Need for Specialized Instruction



SEPTEMBER 4, 2019 The case of William V. v. Copperas Cove ISD

- A federal judge ruled that students who are identified as having dyslexia are automatically eligible for special education under IDEA.
 - The judge overlooked the 2nd prong of eligibility which is "educational need," and focused only on the fact that dyslexia is listed in federal guidelines as an example of a condition that *can* qualify as a learning disability. The 5th Circuit overturned the judge's decision.
 - The Court noted that **eligibility requires two factors**—a qualifying disability and an educational need. The Circuit Court determined that the lower court did not "engage with the second part of the test," so the case was returned to the lower court for further proceedings.
- Students with dyslexia all have varying levels of need. Some will require specially

designed instruction, while others will not.

Quote from the decision: **“While the line between “special education” and “related services” may be murky, case law suggests that where a child is being educated in the regular classrooms of a public school with only minor accommodations and is making educational progress, the child does not “need” special education within the meaning of the IDEA.”**

Educational diagnosticians can feel strong about their decision making in this area, as it confirms what we have always believed, and what the Dyslexia Handbook says.

Dyslexia is listed in federal regulations as an example of a learning disability—but the law still requires there to be the presence of the need for “specially designed instruction.”

In-Home Training

In-Home/Community Based and Parent Training

In-Home/Community Based and Parent training are services that the ARD committee can determine are needed for a student based on an In-Home/Community Based and Parent Training Needs Evaluation. In-Home Training helps to promote generalization of skills between home and school and targets the skills and/or behaviors the student has mastered through direct instruction with the student in the home setting. Parent Training provides training to the parent/guardian in specific interventions/strategies the child needs utilizing a variety of different activities. While there are no specific certifications one must hold to be an In-Home/Community Based Trainer and Parent Trainer, both must be qualified to work with and have experience working with students with Autism Spectrum Disorders.

In-Home/Community Based Training and Parent Training must be documented in the student’s ARD meeting and in the Autism Supplement (if applicable). The frequency and duration of the services must be documented on the schedule of services. It is best to document sessions per grading period and that in-home training services fade into parent training as the year progresses. This allows the trainer to work with the student initially and end with providing support to the parent. In-home and parent training should not be a service that is provided year to year. It should be designed to fade.

IEP goals are needed for in-home training. They should be measurable based on the number in-home training sessions provided. They should also be updated at the end of every grading period, along with the students other goals. Parent training goals can be documented on the Autism Supplement (if applicable) or in the deliberations of the ARD meeting. Progress should be discussed at the annual ARD.

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