

June 6, 2018

TO THE ADMINISTRATOR ADDRESSED:

**SUBJECT: Provision of Services for Students with Dyslexia and Related Disorders – Revised June 6, 2018**

The intent of the following is to provide local education agencies (LEAs) with guidance and clarification regarding the provision of services to students identified with dyslexia or related disorders.

This letter will:

1. Identify possible supports and interventions for a student identified with, or suspected of having, dyslexia or a related disorder; and
2. Reiterate and clarify that an LEA's Child Find mandate under the IDEA applies to students with, or suspected of having, dyslexia or a related disorder.

**Context**

On January 11, 2018, the U.S. Department of Education Office of Special Education Programs (OSEP) released a final monitoring report in which it found that the Texas Education Agency (TEA) failed to comply with certain requirements in the Individuals with Disabilities Education Act (IDEA).<sup>1</sup> OSEP specifically noted that some children in Texas who were suspected of having a disability and needing special education and related services under the IDEA were not referred for an evaluation under the IDEA. These students were instead evaluated and provided services under Section 504 of the Rehabilitation Act of 1973 (Section 504). Similarly, OSEP identified that some students receiving services under Section 504 who were suspected of needing special education services were either not referred for evaluation or not referred in a timely manner. These scenarios appeared to be particularly common when the suspected or identified disability was dyslexia or a related disorder.<sup>2</sup>

**Supports and Interventions for Students with Dyslexia and Related Disorders**

In determining appropriate provision of services, the school team, including parents, should consider the impact a student's reading difficulties have on access to and participation in the general curriculum and the types of interventions and supports necessary to appropriately serve the student. Data-based discussions surrounding how a student's reading difficulty affects learning, the significance of the gap between current and expected performance, additional concerns that may further exacerbate challenges learning to read, and anticipated rates of improvement will assist the team in making appropriate recommendations. Data and discussion should drive decisions regarding evaluations, needs, and provision of services.

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<sup>1</sup> U.S Department of Education (USED, Office of Special Education Programs (OSEP), *Texas Part B Monitoring Visit Letter* (Jan.1,2018), <https://www2.ed.gov/fund/data/report/idea/partbdmsrpts/dms-tx-b-2017-enclosure.pdf>

<sup>2</sup> See *Texas Part B Monitoring Visit Letter*, supra, pages 8-12

Any time it is suspected that a student requires special education or related services to provide appropriate reading supports and interventions, a referral for a full individual and initial evaluation should be initiated. This evaluation will not only determine eligibility for services under the IDEA, but will produce data and recommendations to inform interventions and service delivery. All students who are identified with dyslexia or a related disorder *and* who require special education services because of dyslexia or a related disorder should be served under the IDEA as students with a specific learning disability.<sup>3</sup> A student with dyslexia or a related disorder does not need to present with a second potentially disabling condition to be considered for eligibility under the IDEA.<sup>4</sup> OSEP has clarified that there is nothing in IDEA that would prohibit the use of the term dyslexia in IDEA evaluations, eligibility determinations, or Individual Education Program (IEP) documents.<sup>5</sup> It is important to note that students with dyslexia or a related disorder provided services under the IDEA must receive access to instructional programs that comply with the SBOE rules and procedures concerning dyslexia and related disorders as determined by the Admission Review and Dismissal (ARD) committee. These students could receive any interventions and supports that are available within the general education setting as part of a continuum of services.<sup>6</sup>

Some students who are identified with dyslexia or a related disorder may receive appropriate intervention supports and services under a Section 504 plan through a district dyslexia and related disorder program. This is permissible when it is not suspected that the student requires special education services or when the student with dyslexia or a related disorder is determined to be not eligible for special education by the ARD committee. Some students with dyslexia or a related disorder reach a point where direct intervention and explicit skill instruction are no longer warranted, but accommodations to provide curriculum access are warranted. This is one example when provision of services under Section 504 may be more applicable than services under the IDEA. Teams should carefully consider all of the relevant student data to gauge the level of impact that a student's specific presentation of dyslexia or a related disorder will have on his or her ability to access and make progress in the general curriculum. If it is suspected or known that special education services are needed, the student should not be directed to, or first served through, Section 504.

Other students who are struggling with reading or showing early risk factors associated with dyslexia or a related disorder may receive interventions through a tiered intervention model such as Response to Intervention (RtI). Tiered intervention programs play an important role in providing quick access to research-based interventions for struggling students. These systems often serve as an ongoing support for students whose reading difficulties are not the result of a disability under the IDEA or Section 504. RtI might also be an important component of the individualized evaluation used by LEAs for determining whether a student has a specific learning disability (SLD) under the IDEA.<sup>7</sup> However, LEAs must ensure that students in RtI are carefully monitored and that a timely referral for evaluation under the IDEA is made if, after an

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<sup>3</sup> 34 CRF §300.8(c)(10)

<sup>4</sup> TEA provided similar guidance in a February 2018, letter to administrators. See [https://tea.texas.gov/About\\_TEA/News\\_and\\_Multimedia/Correspondence/TAA\\_Letters/Responsibilities\\_and\\_Timelines\\_Regarding\\_Parent\\_Requests\\_for\\_Special\\_Education\\_Evaluations\\_under\\_the\\_Individuals\\_with\\_Disabilities\\_Education\\_Act\\_\(IDEA\),\\_TEC,\\_and\\_TAC/](https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Responsibilities_and_Timelines_Regarding_Parent_Requests_for_Special_Education_Evaluations_under_the_Individuals_with_Disabilities_Education_Act_(IDEA),_TEC,_and_TAC/)

<sup>5</sup> OSERS, *Dear Colleague Letter* (Oct. 23, 2015), <https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>

<sup>6</sup> [The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, Revised \(2014\).](#)

<sup>7</sup> 34 CFR §300.307

appropriate amount of time, the student is not making adequate progress.<sup>8</sup> This referral can occur at any point in the Rtl process, and Rtl is not required prior to any referrals for special education services.<sup>9</sup> Rtl and an initial evaluation can also occur simultaneously. For additional information and resources regarding Rtl, readers are directed to the Building Capacity for Response to Intervention Project, a TEA funded project, at the Meadows Center for Preventing Educational Risk.<sup>10</sup>

In conclusion, it is critical that LEAs are mindful that dyslexia and related disorders are considered specific learning disabilities under the IDEA and are included within our Child Find mandate. Every LEA has an obligation to refer any student who is suspected of having a disability and needing special education services for an evaluation under the IDEA.

### ***Additional Information***

Additional information on effective services for students identified with dyslexia can be found at the following links:

OSERS Blog:

<https://sites.ed.gov/osers/category/events/dyslexia/>

National Center on Improving Literacy

<https://improvingliteracy.org/>

### ***Contact Information***

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<sup>8</sup> 34 CFR §300.309(c)(1)

<sup>9</sup> M. Musgrove to State Directors of Special Education, OSEP Memorandum No. 11-07 (Jan. 21, 2011), <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf>

<sup>10</sup> See [Building Capacity for Response to Intervention Implementation Project](#) website