

## Frequently Asked Questions: Dyslexia and Related Disorders

March 2019

**Q1: Does the federally required Child Find process under IDEA apply to students who are suspected of having dyslexia?**

Yes. Under the Individuals with Disabilities Education Act an LEA has an obligation to refer any student who is suspected of having a disability and needing special education services for an evaluation.

**Q2: Should students in kindergarten and first grade who receive special education or Section 504 services be screened for dyslexia using the K/1 Screener under TEC §38.003?**

Students receiving special education or Section 504 services should be screened using the K/1 Screener **unless**:

- The Admission, Review, and Dismissal (ARD) or Section 504 committee determines the screener is not appropriate; or
- the student is already identified with dyslexia.

**Q3: If a student is receiving Section 504 services or if a parent has signed consent to initiate a Section 504 evaluation, is the LEA required to obtain parental consent for evaluation if the LEA refers the student for a special education evaluation?**

Yes. Although a parent or guardian may have signed consent for an evaluation under Section 504, the LEA must still obtain the parental consent required by the IDEA under 34 CFR §300.300 before conducting a full individual and initial evaluation (FIE) of the student. A parent may request an evaluation at any time.

**Q4: In order for a student who has been identified with dyslexia under Section 504 to receive special education services under the IDEA, does he/she need to receive an FIE?**

Yes, an FIE must be completed and eligibility determined in accordance with 34 CFR §§300.304 through 300.311 before a student may receive special education and related services. The specific assessment components will vary on a case-by-case basis, depending on existing evaluation data and the functional and developmental needs of the student. Certainly, the information from the dyslexia evaluation should be used as part of the multiple sources of data that is included within the FIE. Additionally, the FIE will contain all the information necessary to determine the educational needs of the student, including the need for special education services. Districts must provide the parents with a copy of the FIE.

**Q5: Must the evaluation of a student who is referred for a possible specific learning disability (SLD) (including students identified with dyslexia under Section 504) incorporate an assessment of cognitive processing strengths and weaknesses?**

In order to receive special education services, a student must meet eligibility criteria under state and federal law. Eligibility criteria for an SLD does not include a *requirement* for testing cognitive processing strengths and weaknesses. According to commentary in the Federal Register relating to 34 CFR § 300.309(a)(2)(ii), the US Department of Education states,

The Department does not believe that an assessment of psychological or cognitive processing should be required in determining whether a child has an SLD. There is no current evidence that such assessments are necessary or sufficient for identifying SLD. Further, in many cases, these assessments have not been used to make appropriate intervention decisions. However, §300.309(a)(2)(ii) permits, but does not require, consideration of a pattern of strengths or weaknesses, or both, relative to intellectual development, if the evaluation group considers that information relevant to an identification of SLD.

71 Fed. Reg. 46651 (Aug. 14, 2006).

**Q6: How is dyslexia similar to a specific learning disability in the area of basic reading or reading fluency?**

The IDEA recognizes eight areas in which a student may qualify with an SLD. Basic reading skills and reading fluency are two of these areas. The other six areas include oral expression, listening comprehension, written expression, reading comprehension, mathematics calculation, and mathematics problem solving. These are not specific conditions, rather they describe areas where the student does not achieve adequately for his or her age or meet state-approved grade level standards. The federal regulations identify dyslexia, on the other hand, as a condition that may cause a student to achieve inadequately in one or more of the areas identified above—typically basic reading skills and/or reading fluency. Under this framework, a student with dyslexia would likely be described as having a specific learning disability in basic reading skills and/or reading fluency with the condition of dyslexia.

The US Department of Education, Office of Special Education and Rehabilitative Services clarified the term dyslexia in a "Dear Colleague" letter dated October 23, 2015 which states, "there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents."

Please see: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>

**Q7: May a student with dyslexia who receives special education services under the IDEA have dyslexia-specific goals in his or her individualized education program (IEP)?**

For purposes of this question, it is assumed that the term "dyslexia-specific goals" refers to goals created to address deficits commonly found in students with dyslexia. These students may have specific deficits in phonological awareness, letter-sound awareness, phonics, reading fluency, and/or spelling. Difficulties with reading comprehension, written expression, and vocabulary may present as secondary consequences of dyslexia. IEP goals for these students must be based on their individual needs as determined by the ARD committee (34 C.F.R. §300.306(a)(1), (c)(2); §§300.320-300.324). Moreover, neither federal nor state law precludes an ARD committee from including goals in a student's IEP related to the mastery of skills taught through dyslexia instruction. If a student with dyslexia is eligible for special education, the student's Individualized Education Program (IEP) must include appropriate reading instruction.

ARD committees should also consider the following:

- The IEP should include goals that can be objectively measured, address a child's unique needs, and be reasonably calculated to enable a child to make progress that is appropriate in light of his circumstances (*See Board of Educ. v. Rowley*, 458 U.S. 176 (1982); *Andrew F. v. Douglas County Sch. Dist. RE-1*, 137 S. Ct. 899; 69 IDELR 174 (2017); see also 34 C.F.R. §300.320(a)(2)); and
- the IEP should describe how the school district will measure progress and state when periodic progress reports will be provided (34 C.F.R. §300.320(a)(3)).

**Q8: How is dyslexia instruction for students receiving special education determined?**

The ARD committee determines the appropriate services for students with dyslexia. The IEP should state the supports and services related to dyslexia (reading instruction, specially designed instruction, accommodations, modifications, related services, assistive technology, etc.) that the student will receive as well as the anticipated location, frequency, and duration of those services and modifications (34 C.F.R. §300.320(a)(4), (7)).

**Q9: If a student eligible for special education receives dyslexia instruction as part of the IEP, must the dyslexia instruction be implemented with fidelity?**

For students receiving special education, including those identified with dyslexia, the ARD committee determines appropriate services and supports, including dyslexia instruction. Critical, evidence-based components of dyslexia instruction include phonological awareness, sound-symbol association, spelling, morphology, syntax, reading comprehension, and reading fluency. Instruction should be delivered explicitly and systematically, incorporate multisensory methods, be provided for adequate duration with fidelity to program guidelines, and be based on individual student need as determined by the ARD committee. Providers of instruction should be trained in the program(s) they are implementing and have additional documented dyslexia training aligned to 19 TAC §74.28(e).

Moreover, the school district must implement the IEP developed by the ARD committee (34 C.F.R. §§300.320(a)(4), 300.323(c)). The IEP must include the projected date for the beginning of the special education services as well as the frequency, location, and duration of those services and modifications (34 C.F.R. §300.320(a)(7)).

If parents or guardians are concerned that a school district is not complying with a student's IEP, the parents should consider addressing their concerns with the child's teacher and campus administrative personnel or requesting an ARD meeting regarding the provision of special education and related services.

**Q10: What happens if the ARD committee cannot agree on the provision of services for dyslexia within the student's IEP?**

All instructional decisions for a student with dyslexia who receives special education services are determined by the ARD committee. The ARD committee includes school representatives and parents (34 C.F.R. §§300.321, 300.327; 19 T.A.C. §89.1050(c)). If parents disagree with decisions made by the ARD committee, procedural protections are available as well as alternative methods of dispute resolution. Early resolutions steps might include a 10-day recess, IEP facilitation, or mediation. Disputes can also be resolved through complaints resolution and due process hearings. TEA's Special Education Dispute Resolution Handbook explains the range of programs available through TEA to resolve disagreements between parents and a school district relating to special education and related services.

Please see:

[https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Special\\_Education/Dispute\\_Resolution/Special\\_Education\\_Dispute\\_Resolution\\_Processes/](https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Dispute_Resolution/Special_Education_Dispute_Resolution_Processes/)

**Q11: Why does the Dyslexia Handbook include a section on dysgraphia?**

A chapter is dedicated to dysgraphia in the Dyslexia Handbook (2018). Texas state law requires districts and charter schools to identify students who have dyslexia and related disorders. Dysgraphia, as noted in TEC §38.003(d)(1)-(2) (1995), is a related disorder. Recent research in the field of dysgraphia prompted the addition of guidance regarding the evaluation, identification, and provision of services for students with dysgraphia.

**Q12: What is dyscalculia?**

Dyscalculia is condition that would likely cause the student to achieve inadequately in math. Students identified with dyscalculia often demonstrate challenges with basic math skills, including difficulties learning math facts, telling time, rounding, estimating, counting money. Students identified with dyscalculia may be eligible to receive special education services for a specific learning disability in math calculation and/or math problem solving skills. Dyscalculia is not one of the dyslexia related conditions identified in TEC §38.003(d)(1)-(2) (1995), however, it can co-occur with dyslexia or other learning disabilities.

**For additional questions and answers regarding dyslexia:**

- The Dyslexia Handbook (2018) as approved by the State Board of Education  
<https://tea.texas.gov/academics/dyslexia/>

**For additional resources and information regarding special education:**

- SpedTex the state's special education information center  
[www.spedtex.org](http://www.spedtex.org) or 1-855-773-3839
- The Parent's Guide to the Admission, Review, and Dismissal Process  
[https://framework.esc18.net/Documents/ARD\\_Guide\\_ENG.pdf](https://framework.esc18.net/Documents/ARD_Guide_ENG.pdf)
- Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities  
[https://fw.esc18.net/Documents/Pro\\_Safeguards\\_ENG.pdf](https://fw.esc18.net/Documents/Pro_Safeguards_ENG.pdf)