

June 5, 2018

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Provision of Services for Students with Dyslexia and Related Disorders

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.

This letter will:

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

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).¹ 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.²

Dyslexia Supports and Interventions

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 the 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. This data and discussion should drive decisions regarding evaluations, needs, and provision of services.

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 and individual evaluation

¹ 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>

² See *Texas Part B Monitoring Visit Letter*, supra, pages 8-12

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 *and* who require special education services because of dyslexia should be served under the IDEA as students with a specific learning disability.³ A student with dyslexia does not need to present with a second potentially disabling condition to be considered for eligibility under the IDEA.⁴ OSEP has clarified that there is nothing in IDEA that would prohibit the use of the term dyslexia in IDEA evaluations, eligibility determinations, or IEP documents.⁵ It is important to note that students with dyslexia provided services under the IDEA must receive access to instructional programs that comply with the SBOE rules and procedures concerning dyslexia as determined by the ARD committee. These students could receive any dyslexia interventions and supports that are available within the general education setting as part of a continuum of services.⁶

Some students who are identified with dyslexia may receive appropriate intervention supports and services under a Section 504 plan through a district dyslexia program. This is permissible when it is not suspected that the student requires special education services, or when the student with dyslexia is determined to be not eligible for special education through an evaluation under the IDEA. Some students with dyslexia reach a point where direct intervention and explicit skill instruction is no longer warranted, but accommodations to provide curriculum access may be 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 each student's specific presentation of dyslexia 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 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.⁷ However, LEAs must ensure that students in RtI are carefully monitored and that a timely referral for evaluation under the IDEA is made when, after an appropriate amount of time, the student is not making adequate progress.⁸ This referral can occur at any point in the RtI process, and RtI is not required prior to any referrals for special education services.⁹ RtI and initiation of initial evaluation can also occur simultaneously. For additional information and

³ 34 CFR §300.8(c)(10)

⁴ 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%20TEA/News%20and%20Multimedia/Correspondence/TAA%20Letters/Responsibilities%20and%20Timelines%20Regarding%20Parent%20Requests%20for%20Special%20Education%20Evaluations%20under%20the%20Individuals%20with%20Disabilities%20Education%20Act%20(IDEA),%20TEC,%20and%20TAC/)

⁵ 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>

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

⁷ 34 CFR §300.307

⁸ 34 CFR §300.309(c)(1)

⁹ 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>

resources regarding RtI, readers are directed to the Building Capacity for Response to Intervention Project, a TEA funded project, at the Meadows Center for Preventing Educational Risk.¹⁰

In conclusion, it is critical that LEAs are mindful that dyslexia is considered a learning disability under the IDEA and is 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

Texas Education Agency
Department of Special Populations
Division of Special Education

sped@tea.texas.gov

512-463-9414

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