

RELEVANT LAWS IN EDUCATION

In a recent Supreme Court decision Chief Justice Roberts noted that IDEA requires IEPs to be developed with expertise from schools and input from parents and schools must give “**cogent and responsive explanation[s] for their decisions on services.**”



There are specific laws that can assist in providing logical and responsive decisions specific to reading and dyslexia .

1. **The Americans with Disabilities Act (ADA) 504 Accommodations.** This law applies to all entities, including public schools that receive at least \$1.00 of federal funds, and requires they must provide equal access to persons with disabilities. In schools, 504 Accommodations provide equal access to the curriculum for persons with disabilities. Students can have 504 Accommodations without an IEP.

2. **The Individuals with Disabilities Education ACT (IDEA).** This law is the federal law that applies to special education. Dyslexia qualifies as a disability under **both of these two categories listed in IDEA:**

Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, **dyslexia**, and developmental aphasia.

See 20 U.S.C. §1401(30) and 34 CFR §300.8(c)(10).

Speech or language impairment means a communication disorder such as stuttering, impaired articulation, a **language impairment***, or a voice impairment, that adversely affects a child's educational performance.

See 20 U.S.C §1401(30) and 34 CFR §300.8(c)(11)

*Note: Phonemic Awareness, and rapid naming skills are language skills. A deficit in these phonological processes can qualify for special education.

THE IDEA READING CRITERIA: 20 U.S.C. § 6368(3)(4)(5)(6)(7)

(3) Essential components of reading instruction

The term “essential components of reading instruction” means

explicit and **systematic instruction** in —

- (A) phonemic awareness;
- (B) phonics;
- (C) vocabulary development;
- (D) reading fluency, including oral reading skills; and
- (E) reading comprehension strategies.

SECTION 3



EXPLICIT
SYSTEMATIC
ECORI

(4) Instructional staff

The term “instructional staff” —

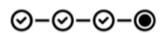
- (A) means individuals who have responsibility for teaching children to read; and
- (B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

(5) Reading

The term “reading” means a complex system of deriving meaning from print that requires all of the following:

- (A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.
- (B) The ability to decode unfamiliar words.
- (C) The ability to read fluently.
- (D) Sufficient background information and vocabulary to foster reading comprehension.
- (E) The development of appropriate active strategies to construct meaning from print.
- (F) The development and maintenance of a motivation to read.

SECTION 5



READING
SKILLS

(6) Scientifically based reading research

The term “scientifically based reading research” means research that —

- (A) applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and
- (B) includes research that—
 - (i) employs systematic, empirical methods that draw on observation or experiment;
 - (ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
 - (iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and
 - (iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

SECTION 6



VERIFIED

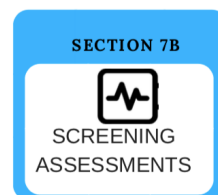
(7) Screening, diagnostic, and classroom-based instructional reading assessments

(A) In general - the term “screening, diagnostic, and classroom-based instructional reading assessments” means —

- (i) screening reading assessments;
- (ii) diagnostic reading assessments; and
- (iii) classroom-based instructional reading assessments.

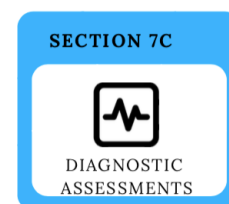
(B) Screening reading assessment - the term “screening reading assessment” means an assessment that is—

- (i) valid, reliable, and based on scientifically based reading research; and
- (ii) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of their need for special services or additional reading instruction.



(C) Diagnostic reading assessment - the term “diagnostic reading assessment” means an assessment that is—

- (i) valid, reliable, and based on scientifically based reading research; and
- (ii) used for the purpose of—
 - (I) identifying a child’s specific areas of strengths and weaknesses so that the child has learned to read by the end of grade 3;
 - (II) determining any difficulties that a child may have in learning to read and the potential cause of such difficulties; and
 - (III) helping to determine possible reading intervention strategies and related special needs.



(D) Classroom-based instructional reading assessment - the term “classroom-based instructional reading assessment” means an assessment that—

- (i) evaluates children’s learning based on systematic observations by teachers of children performing academic tasks that are part of their daily classroom experience; and
- (ii) is used to improve instruction in reading, including classroom instruction.

- **The above reading criteria defined by Congress coincide with the findings of the National Reading Panel**



THE LAW
ALIGNS WITH
THE SCIENCE



BETTER GOAL PLANNING

How to be a better consumer of reading services for your child's IEP

