

## DYSLEXIA LEGAL PRINCIPLES & GUIDELINES



### THE LAW

In 2015, the California legislature passed AB 1369. This bill added two sections to the Education Code:

§ 56334. Added “phonological processing” to the description of basic psychological processes.

§ 56335. Instructed State Superintendent to develop “program guidelines” for dyslexia.

In August 2017, the State Superintendent and California Department of Education issued its “California Dyslexia Guidelines.” Guidelines are not legally binding.

### DEFINITION

CDE’s guidelines use this definition, endorsed by the International Dyslexia Assn.: Dyslexia is a **specific learning disability** that is neurobiological in origin. It is characterized by **difficulties with accurate and/or fluent word recognition** and by **poor spelling and decoding abilities**. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include **problems in reading comprehension** and reduced reading experience that can impede growth of vocabulary and background knowledge.

Screening	
Who: Screen ALL students in classroom/grade level as part of the typical instruction.	Who screens: General education teachers, reading specialists, & Response to Intervention (“RTI”) specialists.
What: Screenings may include checklists, work samples, curriculum-based assessment tools, and informal or formal standardized achievement tools.	When: Screenings should be conducted by Spring of Kindergarten year and continue each year.
How: Tools must be evidence based and user friendly. Screenings should target phonemic awareness, letter naming, sound-symbol correspondence, single word decoding for real and pseudowords, sight-word recognition, rapid naming for letters and numbers, spelling; listening comprehension and oral expression, reading comprehension (if applicable), oral reading fluency, and written expression, including handwriting. (See Appendix A of the CDE Guidelines for a list of screening tools.)	General education teachers look for symptoms of dyslexia: <ul style="list-style-type: none"> <li>&gt; Inability to sound out unfamiliar words</li> <li>&gt; Limited sight-word vocabulary</li> <li>&gt; Listening comprehension exceeds reading comprehension</li> <li>&gt; Inadequate response to effective instruction and intervention</li> </ul> See pgs. 15-22 of the CDE Guidelines for a list of signs of dyslexia specific to grade level.
Option for RTI, but cannot use RTI to delay assessment.	



**Monitor progress:** as interventions are implemented in a student’s education, their effectiveness should be monitored. Pre- and post-assessments should be used to determine if the provided supports are beneficial to the student.



## Formal Assessment

<p>Assess in the following areas:</p> <ul style="list-style-type: none"> <li>&gt; Difficulties with accurate &amp; fluent word recognition, &amp; poor spelling &amp; decoding abilities</li> <li>&gt; Deficits in phonological component of language</li> <li>&gt; Unexpected difficulties related to other cognitive abilities</li> <li>&gt; Difficulties that are unexpected in relation to the provision of effective classroom instruction</li> </ul>	<p>Remember to consider:</p> <ul style="list-style-type: none"> <li>&gt; Developmental, medical, family, and school history</li> <li>&gt; Teacher reports, self-reports, parent-reports</li> <li>&gt; Social and emotional status</li> <li>&gt; Current classroom performance</li> </ul>
<p>Assessment should measure letter identification, letter-sound associations, word identification, reading fluency reading comprehension, spelling, and written expression.</p>	<p>Rule out “external factors”:</p> <ul style="list-style-type: none"> <li>&gt; sociocultural differences</li> <li>&gt; economic disadvantage</li> <li>&gt; lack of instruction or inconsistent schooling</li> <li>&gt; inappropriate instruction</li> <li>&gt; learning English as a second language</li> </ul>
<p>Additional steps to ensure appropriate identification of English Learner (“EL”) students:</p> <ul style="list-style-type: none"> <li>&gt; Look at: languages spoken at home, developmental history, educational history, &amp; English language proficiency</li> <li>&gt; Some who speaks student’s language should administer the evaluation</li> <li>&gt; Assess in English &amp; native language.</li> </ul>	<p>Disagree with suspicion of dyslexia?</p> <ol style="list-style-type: none"> <li>1. Pre-referral procedures;</li> <li>2. Deny assessment and provide prior written notice; or</li> <li>3. Assess.*</li> </ol> <p>*Most conservative and defensible approach</p>
<p>Remember, not every child with dyslexia is eligible for an IEP, must still meet SLD criteria.</p>	



## Supports

<ul style="list-style-type: none"> <li>&gt; General education accommodations: reducing homework, calculator, reducing number of words on spelling lists, extra time to complete assignments, graphic organizers</li> <li>&gt; Social/emotional services</li> <li>&gt; Assisstive technology: audiobooks, e-text and text-to-speech, graphic organizers, low-tech options, smart pens, spell checkers, word prediction</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Evidence based instruction: any activity, strategy, or intervention that demonstrates a significant effect on improving student outcomes or is likely to improve student outcomes, based on research</li> <li>&gt; Structured Literacy Instruction: multimodal, explicit, structured and sequential approach to teaching language structure</li> <li>&gt; Continued progress monitoring</li> </ul>
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### IMPORTANT CASE LAW

*M.M. v. Lafayette School Dist.* (9th Cir. 2014) 767 F.3d 842: When a school district utilizes RTI data in an eligibility determination, the district must ensure the parents have the same opportunity to consider the data, whether or not the parents specifically ask for it and even if the district is using a severe discrepancy model. Accordingly, districts should ensure any test, tool, or data is properly documented and provided to the parents as part of the IEP team process.

**DISCLAIMER:** As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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