MO-CASE Supplemental Guidance on Dyslexia

This information is provided by the Missouri Council of Administrators of Special Education (MO-CASE) to supplement guidance provided by the Missouri Department of Elementary and Secondary Education (DESE) for school district implementation of the requirements of MO Revised Statutes 167.950 and 633.420. The DESE Dyslexia Guidance, which was developed in accordance with recommendations from the Dyslexia Task Force, is posted at https://dese.mo.gov/college-career-readiness/curriculum/dyslexia along with the interim and final reports of the task force, and other resources related to effective reading instruction, and Dyslexia.

It is important that Missouri school districts plan and prepare this spring for implementation of the requirements at the **beginning of the 2018-19 school year**. Some requirements, such as screening and making accommodations in classrooms for struggling readers may be practices which are already in place. However, districts will need to make sure that the screener targets essential foundational components of reading, and that it provides valid and reliable data. Practices for selecting and providing classroom supports and accommodations at various grade levels and settings should be reviewed and revised as needed. The requirement that all instructional staff receive two (2) hours of professional development annually regarding Dyslexia is new for all. **Planning for implementation should be a district-level activity, and not delegated to a particular department or function**.

What is Dyslexia?

*Dyslexia, a disorder that is neurological in origin, characterized by **difficulties with accurate and fluent word recognition and poor spelling and decoding abilities** that typically result from a **deficit in the phonological component of language**, often unexpected in relation to other cognitive abilities and the **provision of effective classroom instruction**, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. MORevStat 167.950* (bold added)

While the term has not been used often in schools, we are certainly familiar with students who exhibit the difficulties listed in the definition. The link between these skills and the phonological component of language has not always been present in core reading instruction, supplemental reading support, or special education services provided in schools. This definition emphasizes that connection. While all students can benefit from systematic and explicit instruction to develop foundational reading skills such as phonemic awareness, phonics, fluency, and vocabulary in addition to comprehension, for many students this instruction is essential to becoming a proficient reader. Some students will need more intensive, individualized and specialized instruction in order to progress as readers, as well as accommodations and supports to allow access to the curriculum.

The essential components of reading instruction were identified and described in the National Reading Panel report of 2000. That report was based on analysis of a large body of research completed up to that time. The federally funded Institute for Education Science, What Works Clearinghouse has published a summary of studies conducted between then and 2014 which

confirm the findings of the earlier National Reading Panel Report. In particular, this summary indicates strong research support for development of awareness of the segments of sounds in speech and how they connect to letters, and teaching students to decode words, analyze word parts, and write and recognize words as highly effective and essential instructional practices (Foundational Skills to Support Reading for Understanding in kindergarten through 3rd Grade https://ies.ed.gov/ncee/wwc/PracticeGuides). Be sure that systematic instruction in the essential elements of instruction is occurring in core reading instruction, particularly in the early grades, as well as in supplemental reading instruction. This is a necessary condition to ensure that problems associated with Dyslexia are not in fact a result of insufficient core instruction.

The Center for Reading Instruction (CERI) website has a wealth of information about effective reading instruction and structured literacy intervention which is based on peer-reviewed research, presented in exacting and rigorous detail. The International Dyslexia Association (IDA) website is also a very useful resource. The one-page summaries in particular are practical and provide easy access. Both can be assessed from the DESE Dyslexia page. Districts are encouraged to become familiar with these resources as implementation plans for the Dyslexia requirements are developed.

Requirements for School Districts

1. Task Force recommendations and DESE guidance indicate that districts are required to screen students in kindergarten through 3rd grades to identify students who may benefit from intervention. Students at higher grades who exhibit weak reading skills should also be screened. The district wide screening is to occur within the first 30 calendar days of the school year, with the exception of Kindergarteners, who are to be screened by January 31. Students who are working toward alternative curriculum standards, students with sensory impairments, students with limited English proficiency, and students who have already been identified as having Dyslexia may be exempted. The screening is to address a range of foundational reading skills, including phonological awareness, rapid automatic naming, nonsense words, alphabetic principle, phonics, reading fluency, spelling, reading accuracy, vocabulary and reading comprehension, **as age or grade appropriate.** Not all skills will be screened initially at every grade level. In general, screen for phonemic awareness skills at kindergarten, decoding (phonics) at first grade, and oral reading fluency for 2nd grade and higher. The screening is to be brief and have evidence that the data obtained is valid and reliable. Note: checklist tools which do not directly assess student reading, and which do not have adequate reliability data do not meet Task Force criteria. DIBELS Next, Aimsweb, FAST (Fastbridge) and Lexercise are listed as examples of valid screening tools in the Task Force report; however, as indicated in the DESE Guidance, school districts have wide leeway in selecting the screening tool. DESE Guidance states that the screening should occur annually, fall, winter and spring (3 times per year). The screening alone is not sufficient to identify a student as having Dyslexia, but rather is intended to identify those who are at risk. It is recommended that students who are identified receive targeted intervention within a Multi-Tier System of Supports. This recommendation is discussed further in the next section.

    While not specifically a requirement, MO-CASE highly recommends that districts provide information to parents in advance of the screening and follow up with results. A sample parent

letter for students who are identified as in need of intervention is included with the DESE Guidance.

2. Districts are to make classroom supports and accommodations available to students with Dyslexia and those who exhibit characteristics of Dyslexia. The DESE Guidance document includes a comprehensive list of accommodations and supports, and notes that supports should be specific to the student and the classroom environment. Many of those listed are commonly used in classrooms to accommodate a wide range of learners. Others are more involved and could require expenditure of district resources. These would most often be components of Section 504 Accommodation Plans, or Individualized Education Programs (IEPs). The Missouri Dyslexia statutes do not create individual entitlement outside of the provisions of Section 504 or the Individuals with Disabilities Education Act (IDEA).

3. All teachers will receive two hours of professional development regarding Dyslexia annually. It is planned that DESE will make online modules available for teachers to access and complete at no cost to the district. These should become available sometime this summer. In addition, training sessions are being presented through the Regional Professional Development Centers (RPDSs) this spring. It is recommended that designated district and teacher leaders attend these sessions. Registration is accessed through MyLearningPlan.

Additional Recommendations

RSMo 633.420 directs the Task Force to address several issues related to effective reading instruction for all students, and effective intervention and support for students who exhibit characteristics of Dyslexia. The Task Force recommendations for these issues are stated in the final report and reflected in the DESE Guidance.

A key point of the recommendations is that these activities and practices occur within the context of a district wide **Multi-Tier System of Supports** (MTSS), rooted in effective core instruction and driven by student progress data about response to instruction and intervention. MO-CASE strongly recommends that school districts make the development of a functional, responsive MTSS to be a top priority. Implementing the Dyslexia legislation requirements outside the context of a well-defined MTSS may result in an increase in unnecessary special education evaluations, overloading support resources, and continuation of a dual system of education in which some students get appropriate instruction and others do not. MO-CASE has adopted a model for MTSS which is attached to this document and can direct districts to resources for support in establishing an MTSS.

Within a data-driven MTSS students are screened, usually three (3) times a year to determine if most students are making expected progress toward academic and behavioral standards. If a significant portion of students in a class or school are not meeting benchmark expectations consideration is given to teaching practices and the need for additional teacher support and coaching. Whole class interventions to provide more direct and explicit instruction may be implemented. If most students are making expected progress, those who are not may receive

targeted intervention in addition to core instruction in the classroom. A target for improvement is identified, and progress is monitored frequently, often weekly, with brief probes. The trend line of progress data points is compared to the target or goal line. If expected progress is not being achieved, and it is verified that the student is receiving the planned intervention implemented with fidelity, the intensity of the intervention may need to be increased. It is essential that the MTSS plan include clear data decision making rules to guide actions; while rules and triggers can be overridden with sufficient cause, this is a data-driven rather than "what we all think or feel" process.

Interventions for students identified through the screening required by the Dyslexia legislation should be targeted to the particular foundational reading skill deficit exhibited by the student, rather than a general intervention. A student with deficits in phonemic awareness, or phonics skills will not receive significant benefit from a fluency intervention. To identify the skill deficit, it may be necessary work back to an earlier skill level in the screening program. Informal probing with the student may also help target the deficit. Speech Language Pathologists are an excellent resource for informal secondary screening and consultation. The task force recommendations also reference use of standardized assessments typically used in IDEA/504 evaluations for secondary screening. While this can be done, it may not be the most efficient approach, and requires careful consideration of Procedural Safeguard for Children and Parents. If the purpose of the assessment is to identify a condition, such as Dyslexia, this assessment should be part of an IDEA/504 evaluation and include all the required Notice and Consent components. If the assessment is just being completed to gather more information to guide intervention, and not because a disability is suspected, parent consent would still be required, with a clear explanation of how the information will be used. The best source of secondary screening information is progress monitoring data.

IDEA/504 Considerations

If school staff suspect that a student has a disability a referral should be made for an evaluation under the Individuals with Disabilities Education Act (IDEA) and/or Section 504 of the Rehabilitation Act (504). Disability is a term that indicates the school district or charter school has completed a process to determine that a student has a condition that substantially limits a major life activity. Students identified as having a disability are protected from discrimination, and are entitled to a Free and Appropriate Public Education (FAPE) which includes provision of necessary support and services to allow access, participation and progress in the school curriculum. Under the IDEA the condition must also be determined to adversely affect (significantly impact) educational progress and result in a need for special education (specialized instruction). School districts should provide guidance for staff about information that would trigger reason to suspect a disability. It should be based on observable evidence and more than, "I wonder if…." Weak academic foundational skills alone are not a reason to suspect disability. Screening which indicates such should trigger instruction and targeted intervention as part of the general education program. Lack of sufficient response to increasing intensity of intervention, or determination that the student requires ongoing specialized instruction to progress in the curriculum is reason to suspect disability. Students with characteristics of Dyslexia who are determined eligible under the IDEA would be under the category of Specific Learning Disabilities. Note: Dyslexia is **not** an Other Health Impairment.

Are schools required to identify students as having Dyslexia?

No. Schools are not required to use the term. But they may. Schools are required to evaluate students suspected of having a disability due to persistent difficulties with accurate and fluent word recognition and poor spelling and decoding abilities, who may be eligible under the category of Specific Learning Disabilities. On the other hand, RSMo 633.420, and the US Department of Education both indicate that schools can use the term in reference to individual students, including in Individual Education Program (IEP) documents. The Task Force report consistently references "students with the characteristics of Dyslexia" rather than students with Dyslexia. Some maintain that it is a clinical diagnosis which can only be made by specially trained clinicians. However, the term is not used in the Diagnostic and Statistical Manual – 5th ed. (DSM-5), other than a comment that some refer to Reading Disability (previously Reading Disorder) as Dyslexia. In schools we identify students as *eligible* rather than *diagnose*. Confused yet?

Regardless of how districts determine to address the terminology issue, it is important to not let differences in terminology undermine school-parent communication. Keep the focus on the child, LISTEN to parent concerns, and talk about instruction and intervention.

Are students who have an outside diagnosis of Dyslexia automatically eligible under 504 or the IDEA?

No. Eligibility must be determined by the school district through an evaluation. Information collected as part of the diagnosis may be used in the district evaluation, but it is the district's determination. The Office of Civil Rights (OCR) has a Frequently Asked Question document on their website which directly addresses this and related issues (Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities W2.ed.gov/about/offices/list/ocr/504faq.html). A few questions and responses follow:

23. Are there any impairments which automatically mean that a student has a disability under Section 504?
No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.

24. Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?
No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity.

31. What is reasonable justification for referring a student for evaluation for services under Section 504? (same for IDEA)
School districts may always use regular education intervention strategies to assist students with difficulties in school. Section 504 requires recipient school districts to refer a student for an

evaluation for possible special education or related aids and services or modification to regular education if the student, because of disability, needs or is believed to need such services.

40. What is the difference between a regular education intervention plan and a Section 504 plan? (or IEP)

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school. School districts vary in how they address performance problems of regular education students. (It goes on to describe a typical problem solving process, which could include intensive intervention.)

Conclusion

As stated at the outset, it is important that districts take time now to plan and prepare rather than react later. If you are already engaged in establishing and implementing a viable MTSS, you are most of the way there. If not, it is time to get on it.