



SPECIAL EDUCATION NON-REGULATORY GUIDANCE

Intersections of Dyslexia and Special Education

November 2023

The Office of the State Superintendent of Education (OSSE) provides this guidance on local education agency (LEA) responsibilities under The Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020, which established specific requirements for OSSE and LEAs to address the needs of students with reading difficulties. OSSE seeks to provide clarity on how the law intersects with LEA obligations under the Individuals with Disabilities Education Act (IDEA), and how data gathered from required dyslexia screeners may be incorporated into the special education process. This document generally constitutes non-regulatory guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations, including IDEA and District of Columbia special education regulations found at 5-A DCMR § 3000 *et. seq.*

BACKGROUND

[The Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020](#) established District and LEA responsibilities related to the identification, remediation, and prevention of reading difficulties, including dyslexia. The law provides certain requirements, including professional development for public school educators, universal literacy screening for K-2 public school students, academic intervention and caregiver notification for students identified as at-risk of reading difficulties and the eventual adoption of an evidence-based reading program. The law does not eliminate or affect LEA obligations under IDEA, including child find responsibilities. If an LEA suspects that a student may be a student with a disability, the LEA must refer the student for an evaluation to determine eligibility for special education and related services. For more information about the law and related guidance from OSSE, please visit the [Dyslexia DC](#) homepage.

DYSLEXIA AND SPECIAL EDUCATION

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. Dyslexia may have secondary consequences that include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.¹

Under IDEA and District of Columbia special education eligibility requirements, dyslexia is included as a condition that may constitute a specific learning disability (SLD). SLD is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or

¹ DC Code § 38-2581.01.

written, that may affect the 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. SLD does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disability, of environmental, cultural, economic disadvantage, or limited English proficiency.² While individualized education program (IEP) teams often consider eligibility under SLD for students with dyslexia or other reading difficulties, the IEP team must consider all eligibility categories in which it suspects the student may qualify. For more information on eligibility requirements, please see the District of Columbia's special education regulations located at 5-A DCMR § 3000 *et. seq.*

In determining a student's eligibility under SLD, the team conducting the evaluation must consider assessments and student data related to whether the student achieves adequately for the student's age or meets State-approved grade-level standards, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards, in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics comprehension, or mathematics problem-solving. Student-level screener results may be considered as part of this eligibility determination.

DOCUMENTATION AND USE OF SCREENER RESULTS

LEAs must select and implement a universal screener for students in kindergarten through grade 2.³ The purpose of this screener is to identify students who may be at-risk for dyslexia or other reading difficulties. The screener must address phonological/ phonemic awareness, rapid name skills, correspondence between sounds and letters, and decoding.⁴ OSSE publishes an approved screener list on an annual basis, available on the [Dyslexia DC](#) homepage.

LEAs should document student screening results consistent with LEA policies or practices related to student record keeping. Screening results may be considered as part of the special education evaluation process or during the development of new or annual IEPs for students with disabilities. All decisions regarding the formal evaluation process must be made on an individual basis and must include a full battery of comprehensive evaluations if warranted by the IEP team. LEAs may establish internal policies or guidance regarding the consideration of screener data in the special education process; however, any determination regarding whether and how to use screener data must be an IEP team decision based on the individualized needs of the student.

Additionally, as part of the eligibility determination, the IEP team must confirm the student-level data demonstrates that the student's educational performance has been adversely affected by the student's disability. A student may have dyslexia or other reading difficulties, but their educational performance may not be adversely affected or require specialized instruction. Students with dyslexia or other reading difficulties that do not qualify for special education services may otherwise require accommodations and interventions. Services will vary from student to student depending on the individual areas of concern and severity.

² 5-A DCMR § 3011.11(a).

³ DC Code § 38-2581.04(a).

⁴ DC Code § 38-2581.02(a)(3).

IEP TEAM CONSIDERATIONS FOR ADDRESSING DYSLEXIA THROUGH THE IEP PROCESS

If a student with dyslexia or other reading difficulties qualifies for special education, IEP teams may use screener data to assist in developing the IEP, including specialized instruction and related services. IEP teams may document universal screener results and any other relevant data in the Present Levels of Performance section of the IEP, as appropriate. IEP teams may develop individualized measurable goals that include support for the following areas:

- Fluency and word recognition;
- Spelling;
- Decoding and reading accuracy;
- Phonological processing; or
- Reading comprehension.

IEP teams may also consider adding additional measurable goals beyond reading, including accommodations or assistive technology, as appropriate based on the individualized needs of the student.

PARENTAL PARTICIPATION

If screening results from the universal screening indicate that a student is at-risk of having a reading difficulty, the LEA must provide written notification to the parent or guardian of the student. This notification must include the screening results, describe the supplemental reading instruction that will be provided to the student and offer to meet and discuss any individualized student support. To support LEAs in providing family notifications, OSSE published a communications toolkit, available on the [Dyslexia DC](#) homepage.

Consistent with IDEA requirements related to parental participation in the IEP process, parents are an integral part of the IEP team and special education process, including determining eligibility and developing a student's IEP. LEAs must ensure parents meaningfully participate in the IEP process. IEP teams must provide timely notice to parents of IEP team meetings and decisions regarding their student's education and must issue prior written notices (PWNs) as appropriate. The IEP team should assist parents in understanding their student's educational needs and the content of their IEP, including that the student's eligibility category will be reflective of eligibility categories as defined by District regulations. For example, a parent may expect the student's to be identified as having Dyslexia, but the student's eligibility category would be documented as specific learning disability.

If you have questions regarding LEA obligations under The Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020, please contact Dustin Tamsen at Dustin.Tamsen@DC.gov.

If you have questions regarding LEA special education obligations, please contact the Division of Systems and Supports, K-12 special education policy team at OSSE.DSEpolicy@dc.gov.