

Dyslexia Education Task Force

Introduction to Federal and Maryland Law

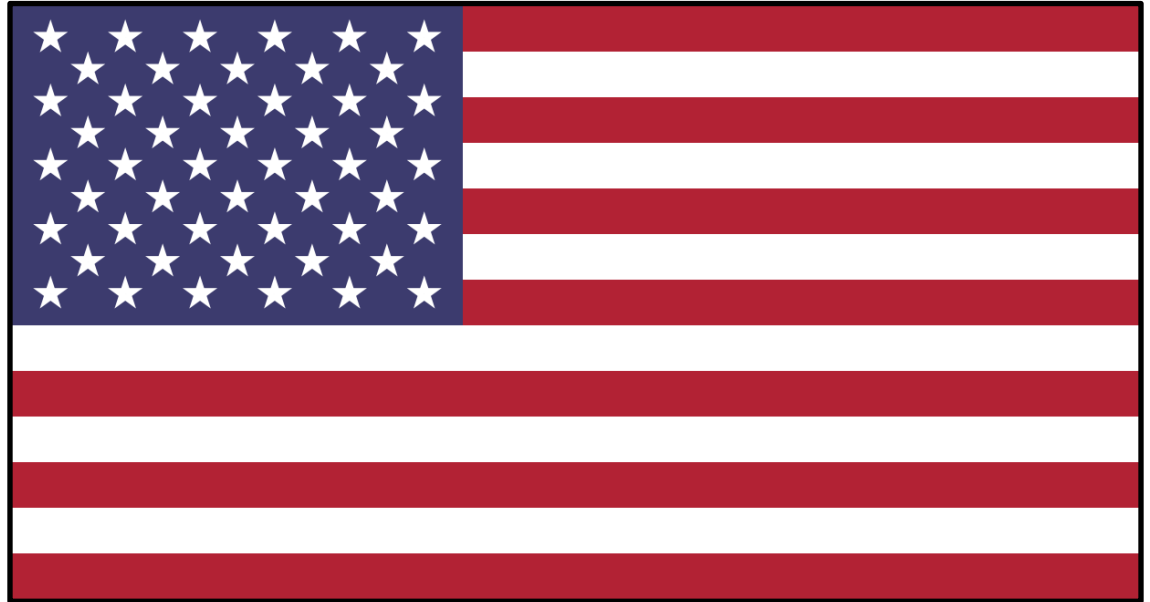
Marcella E. Franczkowski, M.S.
Assistant State Superintendent

Division of Special Education/Early Intervention Services

Alan J. Dunklow, Esq.
Assistant Attorney General
Office of the Maryland Attorney General



Federal Law



Eligibility

- To be eligible for services under the Individuals with Disabilities Education Act (IDEA), a child must be:
 1. Identified as a **child with a disability**
AND
 2. As a result of that disability, require **special education and related services**
- IDEA recognizes 13 disability categories

Maryland Law



Maryland law mirrors federal law

- **Child with a disability**

- A student must fit the definition of one of the 13 disability categories enumerated in the IDEA in order to be eligible for special education and services
- Specific learning disability (SLD) is the applicable disability category for dyslexia

COMAR 13A.05.01.03B(73)

- **Special education and related services**

- Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability to ensure access to the general curriculum
- Special education includes speech-language pathology services, travel training, career and technology education, and instruction in physical education if the service consists of specially designed instruction

COMAR 13A.05.01.03B(71)

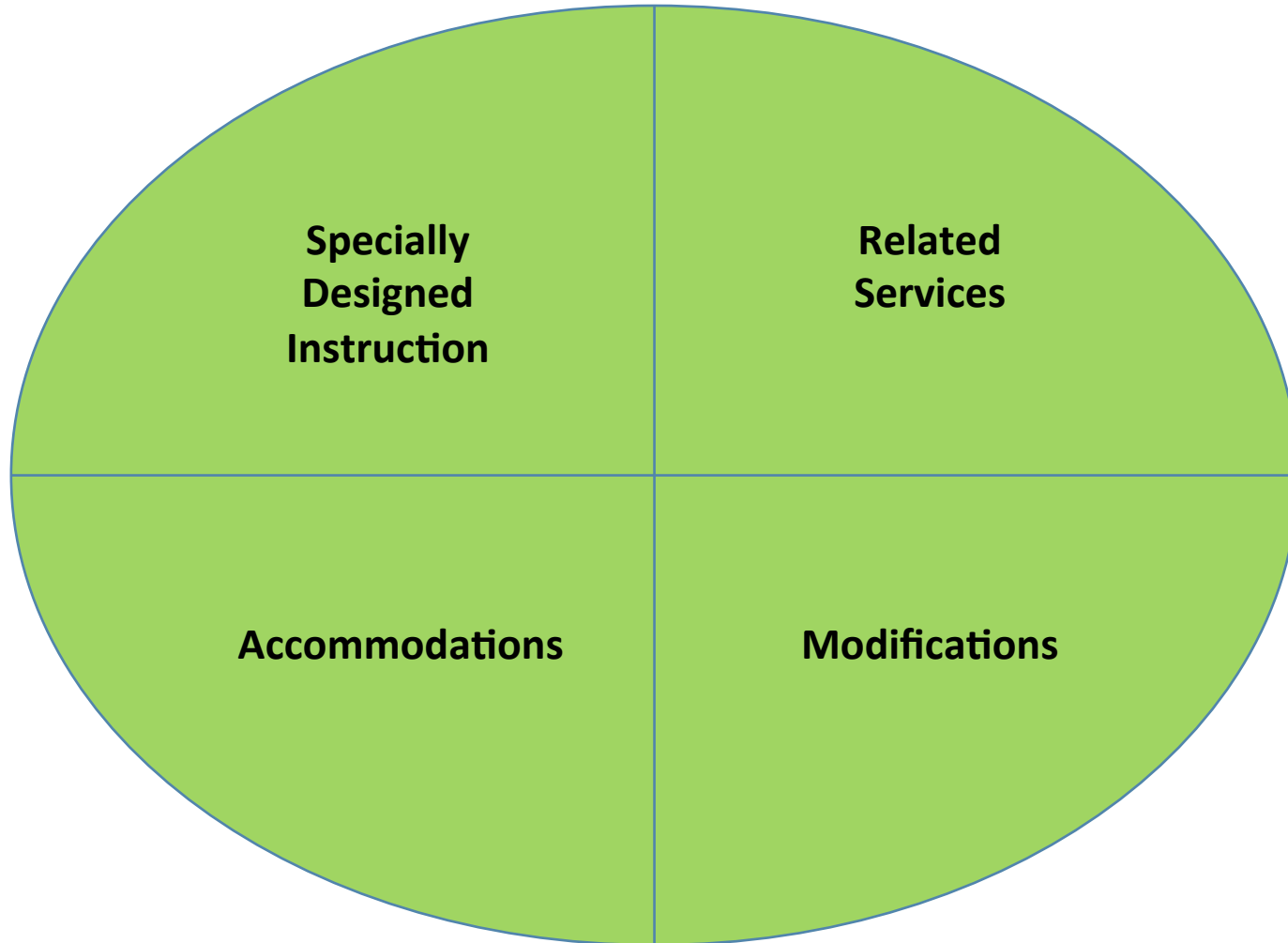
Child with a disability

1. Autism
2. Deaf-Blindness
3. Deafness
4. Emotional disability
5. Hearing impairment
6. Intellectual disability
7. Multiple disabilities
8. Orthopedic impairment
9. Other health impairment
10. Speech or language impairment
11. Traumatic brain injury
12. Visual impairment (including blindness)
13. Specific learning disability

Some categories are very specific

Other categories are more broad

Special education and related services



Special education and related services

Specially Designed Instruction

=

Adaptation of content, methodology, or delivery of instruction
to address the unique needs of a student with a disability

Special education and related services

Related Services

=

Transportation and such developmental, corrective, and other supportive services as may be required to assist a student with a disability to benefit from special education

Special education and related services

Accommodations

Practices that provide students with disabilities equitable access during instruction and to assessments in the areas of presentation, response, setting, and scheduling

Modifications

Practices that change, lower, or alter learning expectations

Universal Design for Learning (UDL)

- UDL is a research-based framework for curriculum design that reduces barriers to learning by providing students multiple accessible support options for:
 - Acquiring information and knowledge;
 - Demonstrating knowledge and skills in alternative forms of action and expression; and
 - Engaging in learning
- Local school system superintendents must certify in writing that UDL principles and guidelines are being used for curriculum development, with certification required every 3 years

Specific Learning Disability (SLD)

Definition of specific learning disability (SLD)

SLD 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, and spell, or do mathematical calculations

Dyslexia is not independently defined in federal or Maryland law

BUT

Dyslexia is expressly included as an example of specific learning disability

Dyslexia is an example of an SLD

- **SLD includes** conditions such as:

- Perceptual disabilities
- Brain injury
- Minimal brain dysfunction
- **Dyslexia**
- Developmental aphasia

NOTE:

In order to be eligible for services under IDEA, a student must meet the definition of SLD and, as a result of his or her disability, require specialized instruction.

A diagnosis of dyslexia, by itself, is neither necessary nor sufficient for eligibility.

The limitations of disability categories

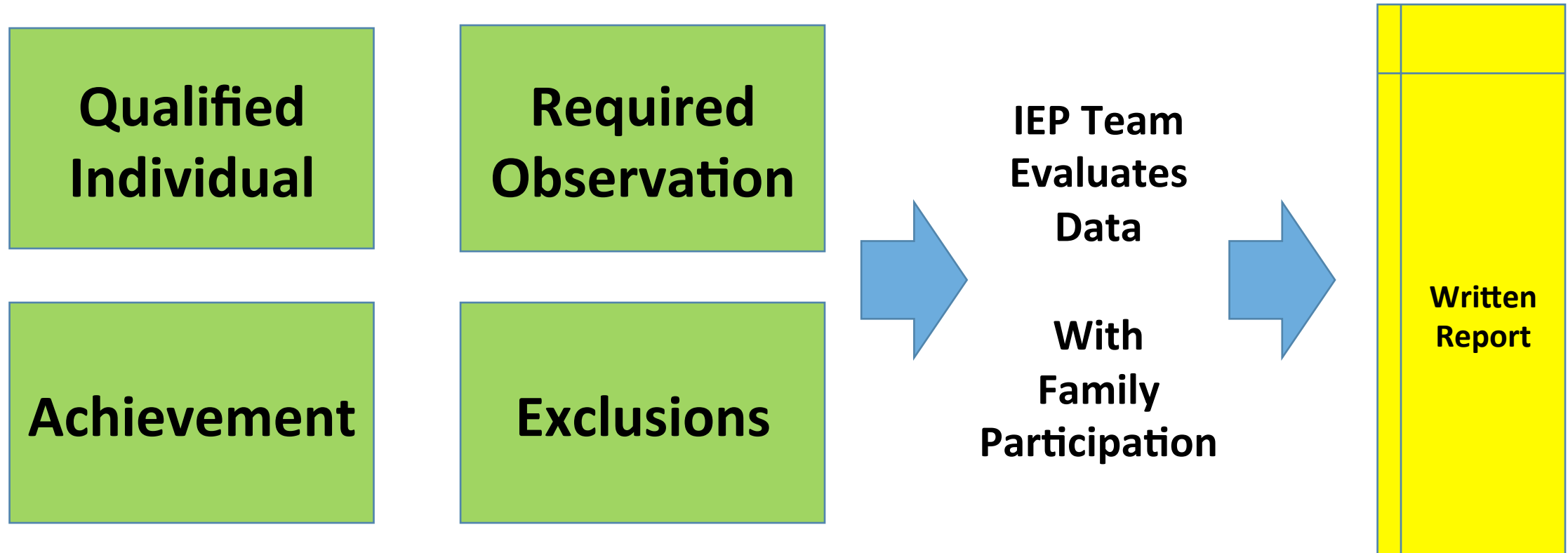
Disability categories **DO**

- Establish eligibility for services
- Get listed on the student's individualized education program (IEP)

Disability categories **DO NOT**

- Dictate placement
- Guarantee or preclude certain services (i.e. who, what, frequency, duration)

Criteria for SLD Determination



Qualified Individual

- The determination of an SLD shall be made by an IEP team with family participation

AND

- The IEP team shall include at least one person qualified to conduct individual diagnostic assessments, such as:

School psychologist

Speech-language pathologist

Remedial reading teacher

COMAR 13A.05.01.06D(7)

Required Observation

- At least one member of the IEP team, other than the student's regular education teacher, shall observe the student in the student's learning environment, including the regular classroom setting, to document academic performance and behavior in the areas of difficulty

Achievement

- The IEP team shall determine that a student has an SLD if the student does not achieve adequately for the student's age or meet State-approved grade level standards when provided with learning experiences appropriate for the student's age and ability levels in one or more of the following areas:
 - Oral expression
 - Listening comprehension
 - **Basic reading skills**
 - **Reading fluency skills**
 - **Reading comprehension**
 - Written expression
 - Mathematics calculation
 - Mathematics problem solving

COMAR 13A.05.01.06D(2)(a)

Achievement

- The IEP team may consider evaluative data and appropriate assessments determined to be relevant to the identification of an SLD if the student
 - Does not make sufficient progress to meet age or State-approved grade-level standards when using a process based on the student's **response to scientific research-based intervention** (RTI); or
 - Exhibits a **pattern of strengths and weaknesses** in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development

COMAR 13A.05.01.06D(3)

Exclusions

- When determining whether a child has an SLD, the IEP team must show that the disability is not a result of:
 - Visual, hearing, or motor disability
 - Intellectual disability
 - Emotional disability
 - Cultural factors
 - Environmental or economic disadvantage
 - Limited English proficiency

Exclusions

- To ensure that underachievement is not due to lack of appropriate instruction in reading or math, the IEP team shall consider as part of the evaluation:
 - Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, that was provided to the student's parent

Written Report

- When a student is suspected of having an SLD, the IEP team shall prepare a written report that includes
 - A statement of whether the student has an SLD
 - The basis for the determination
 - Relevant behaviors, if any, noted during observation
 - The relationship of the behaviors to the student's academic functioning
 - Educationally relevant medical findings, if any
 - The exclusion of other factors on the student's achievement level
 - Information related to student's participation in RTI, if applicable
 - Written certification of each IEP team member regarding SLD determination

Screening is not the same as IDEA evaluation



- Maryland does not have a universal screening mechanism that is specific to dyslexia, but its early intervention system encompasses literacy
- Screening by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services
- Once a reading difficulty is identified, an IDEA evaluation as set forth in COMAR must be conducted to establish eligibility for services

Identifying an SLD in reading

- If a student is struggling with reading at any grade level, as indicated observations and data, a reading assessment may be conducted
 - Qualitative Reading Inventory
 - Informal Reading Inventory
 - Woodcock-Johnson
- An IEP team would evaluate the student's achievement against any deficits identified in the reading assessments and other data
- A student with dyslexia may be identified as a **student with a specific learning disability** in reading

Thank you

Any follow-up questions may be directed to:

Carmen A. Brown, LCSW-C
Branch Chief, Interagency Collaboration
Division of Special Education/Early Intervention Services

410-767-7197

carmen.brown1@maryland.gov