

Decoding Dyslexia

April 27, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
The Capitol, S-230
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
The Capitol, H-232
Washington, D.C. 20515

The Honorable Steny Hoyer
Majority Leader
U.S. House of Representatives
The Capitol, H-107
Washington, D.C. 20515

The Honorable Charles Schumer
Minority Leader
U.S. Senate
The Capitol, S-221
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
The Capitol, H-204
Washington, D.C. 20515

Re: Flexibility & the Individuals with Disabilities Education Act (IDEA) & Section 504 of the Rehabilitation Act of 1973

Dear Senator McConnell, Senator Schumer, Speaker Pelosi, Congressman Hoyer and Congressman McCarthy:

Our state-based organizations represent students with dyslexia, dysgraphia and dyscalculia and related learning disabilities, which are protected by the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. We urge your continued, strong leadership to ensure that students with disabilities receive special education and related services while schools remain closed as a result of the COVID-19 pandemic.

Families of students with learning disabilities **do not want** special education to cease or rights to be waived. We strongly support State and Local Education Agencies (SEA/LEA) that are successfully using current flexibilities in IDEA and Section 504 and working with parents to implement Individualized Education Plans (IEP). **Our members are happy to provide testimonials and examples of successful partnerships that demonstrate continued special education is possible without any waivers.**

Our Asks:

1. **SPECIAL EDUCATION LAW ALREADY INCLUDES NEEDED FLEXIBILITY.** The CARES Act (Section 3511) directs the Secretary to provide Congress with a list of waivers needed "for states to implement IDEA." We would like to point out that current law allows flexibility to states on timelines for due process, the 30 day resolution period and state complaint investigations under IDEA¹. Other timelines, including evaluations, reevaluations and annual

¹ [MSDE Technical Assistance Bulletin: Serving Children with Disabilities under IDEA during School Closures Due to the COVID-19 Pandemic](#)

IEP reviews, also are flexible and can be worked out in consultation with parents on a case-by-case basis. We must uphold the existing flexibilities in the law and avoid instituting blanket waivers and policies that default to “*good faith best efforts*” and minimize parental needs and concerns. **We respectfully ask that Congress direct the U.S. Department of Education to provide clear guidance on the flexibilities in current federal law so that State Education Agencies can continue to work with parents to deliver special education and related services remotely.**

2. **BEST PRACTICES & FUNDING FOR SPECIAL EDUCATION DURING EXTENDED SCHOOL CLOSURES.** Many states are implementing **Individualized Continuity of Learning Plans** for students with disabilities. It is imperative that states have a “game plan” that can help them address all components of IDEA and Section 504, including the pre-evaluation framework commonly referred to as “Response to Intervention.” **We respectfully ask that Congress direct the U.S. Department of Education to enlist and fund national centers, experts and parents to create “Best Practices to Deliver Special Education During Extended School Closures.”**
3. **RESTORATIVE SPECIAL EDUCATION SERVICE PLANS & FUNDING.** A school closure can cause students with disabilities to regress academically, socially and emotionally. **We respectfully ask that Congress direct the U.S. Department of Education to develop guidance on how to develop Restorative Service Plans for special education students with academic and behavioral gaps caused by extended school closures (“COVID-19-slide”) and provide grant funding for Restorative Service Plans to states.**

Thank you for your consideration of our requests. We trust that decision-making to solve special education issues will be placed where education and community expertise is highest: at the local level, at the state level and in the hands of parents of students with disabilities.

Sincerely,

Decoding Dyslexia Alaska: Mary Claire Kretzschmar,
Posie Boggs, Jennifer Athey

Decoding Dyslexia Alabama: Ramona Rice, Pam
Moran

Decoding Dyslexia Arkansas: Audie Alumbaugh, Molly
Humphries

Decoding Dyslexia Arizona: Meriah Houser, Laura
Busby

Decoding Dyslexia Bermuda: Heather Outerbridge,
American citizen living abroad

Decoding Dyslexia Connecticut: Allison Quirion

Decoding Dyslexia District of Columbia

Decoding Dyslexia Georgia: Tina Engberg, Colleen
O’Toole Beguiristain, Beth Haynes

Decoding Dyslexia Idaho: Robin Zikmund, Jordan
Atnip, Denise Camacho

Decoding Dyslexia Indiana: Cheryl Clemens, Nanci
Perry

Decoding Dyslexia Iowa: Katie Greving

Decoding Dyslexia Kansas: Jennifer Knight, Kristina
Middleton

Decoding Dyslexia Kentucky: Kellie Culp, Phyllis
Sparks, Kayla Steltencamp

Decoding Dyslexia Louisiana: Jen Kelly

Decoding Dyslexia Maryland: Karleen Spitulnik, Laura
Schultz, Lisa Blottenberger, Winifred Winston, Tamara
Karwacki, Kathleen Khoury, Jaclyn Paris

Decoding Dyslexia Massachusetts: Nancy Duggan, Lisa Nelson, Nicole Mitsakis

Decoding Dyslexia Military: Anna Wilson, South Carolina

Decoding Dyslexia Mississippi: Jamie Stone, Amy Hamilton

Decoding Dyslexia Missouri: Diane Dragan, Jennifer Edwards

Decoding Dyslexia Montana: Kelly DuBose

Decoding Dyslexia Nebraska: Clarice Jackson

Decoding Dyslexia New Jersey

Decoding Dyslexia Ohio: Jill Lamm

Decoding Dyslexia Oklahoma: Tiffany Jenkins, Michelle Keiper

Decoding Dyslexia Oregon: Lisa Lyon, Jennifer Cappalonga

Decoding Dyslexia Pennsylvania: Rosette Roth, Anne Edwards, Jessica McKee, Teresa Aracri, Hollie Woodard, Lisa McCarty, Yvonne D'Uva Howard, Christine Rueger,

Alison Dryfoos-Mazzie, Jacquely Behney, Christina Patemoster

Decoding Dyslexia Rhode Island: Shannon Saglio, Suzanne Arena, Lise Mahoney, Jane Moran

Decoding Dyslexia South Carolina, Shannon Polchow

Decoding Dyslexia Texas

Decoding Dyslexia Washington: Sara Buetow

Decoding Dyslexia West Virginia: Jody Perrin-Walters

Decoding Dyslexia Wyoming: Heather Fleming

Decoding Dyslexia Vermont: Sandra Chittenden, Katie Ballard

Decoding Dyslexia Virginia: Rebecca Warner, Lisa Torres, Melissa Martin, Melinda Mansfield, Shannon Duncan, Kia Taylor, Lorraine Hightower, Sheri Hight, Leslie Ehemann, Jenna Hynes, Monica Stevens, Cloe Chin, Jill McLaughlin, Joan Rizak, Donna Owens, Cheryl Lafferty, Lynda Bruni, Rachel Kuehl, Nicole McMahon, Kelly Shane

CC:

Laurie VanderPloeg, Director, Office of Special Education Programs, U.S. Department of Education

***Decoding Dyslexia** is a network of parent-led grassroots movements across the country concerned with the limited access to educational interventions for dyslexia within the public education system. We aim to raise dyslexia awareness, empower families to support their children and inform policy-makers on best practices to identify, remediate and support students with dyslexia. www.decodingdyslexia.net*