

Decoding Dyslexia

April 27, 2020

The Honorable Robert Scott
Chairman
House Committee on Education and Labor
2176 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Lamar Alexander
Chairman
Senate Committee on Health, Education, Labor and Pensions
428 Senate Dirksen Office Building
Washington, D.C. 20510

The Honorable Virginia Foxx
Ranking Member
House Committee on Education and Labor
2176 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Patricia Murray
Ranking Member
Senate Committee on Health, Education, Labor and Pensions
428 Senate Dirksen Office Building
Washington, D.C. 20510

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

Dear Chairman Scott, Congresswoman Foxx, Chairman Alexander and Senator Murray:

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 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

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

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,

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Posie Boggs, Jennifer Athey

Decoding Dyslexia Alabama: Ramona Rice, Pam
Moran

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Decoding Dyslexia Arizona: Meriah Houser, Laura
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Decoding Dyslexia Bermuda: Heather Outerbridge,
American citizen living abroad

Decoding Dyslexia Connecticut: Allison Quirion

Decoding Dyslexia District of Columbia

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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

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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