

Decoding Dyslexia

April 3, 2020

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20002

Re: Waivers for the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973

Dear Secretary DeVos:

We write to you today as representatives of Decoding Dyslexia on behalf of students with learning disabilities, like dyslexia, 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.

We humbly offer our feedback to the department as it embarks on this Congressional request with a very short 30 day turn around. We are ready to help and participate to bring the family voice to your work. We remain available as stakeholders willing to contribute and continue to ensure families of students with learning disabilities are part of the solution, vision and the mission of this work. Together we can add value and provide solutions during this difficult time. We are requesting that you continue to provide State Education Agencies (SEAs) a clear directive to commit to remotely delivering instruction and services that meet the needs of students with learning disabilities.

Respectfully we request the following:

1. **CURRENT LAW [IDEA] INCLUDES 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 should be done on a case-by-case basis to avoid blanket policies like “*good faith best efforts*” that often minimize parental concerns. **We recommend that the Department of Education work closely with parents and students on any process that investigates and suggests the use of waivers for IDEA or Section 504.**
2. **BEST PRACTICES FOR CONTINUITY OF LEARNING.** Many states are implementing Continuity of Learning Plans for students with disabilities. We recommend that the Department of Education call on national centers,

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

experts and parents to create **Best Practices for Continuity of Learning** to be used by SEAs. 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.”

3. **COMPENSATORY SERVICES.** A school closure can cause students with disabilities to regress academically, socially and emotionally to a degree that will be difficult to compensate effectively. To address all components of an IEP or 504 that perhaps cannot be delivered remotely with fidelity, we recommend that further guidance to states provide a clear path forward on how to develop **compensatory service plans** that equitably address student needs and incorporate parent feedback.

We would like to thank you for the prior guidance to SEAs and appreciate your consideration of our request to provide further guidance to SEAs during this difficult time. We trust that the decision-making ability to solve education issues will be placed where education and community expertise is highest: at the local level, at the state level and within the Departments designated to oversee laws that protect vulnerable students and families.

Respectfully,

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 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

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 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 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 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

Cc:

Kenneth Marcus, Assistant Secretary for Civil Rights, Office of Civil Rights, U.S. Department of Education

Frank Brogan, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education

Mark Schultz, Commissioner, Rehabilitative Services Administration, Office of Special Education and Rehabilitative Services (OSERS)

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