

Dyslexia and the School: What you Absolutely Need to Understand Before You Make Requests from the Public School

by Dr. Kelli Sandman-Hurley, Dyslexia Training Institute

At the risk of being a Debbie Downer, I wanted to share with you some facts about special education that you should know to prevent any unnecessary delays or frustration. The Individuals with Disabilities Education Act (IDEA) was enacted to protect children from being denied an education because of their disability. What many people seem to overlook is the fact that this legislation was not set up to provide special education services to everyone with a disability, because not every disability interferes with learning. So, it is not as easy as, Michael has dyslexia, therefore he is entitled to special education services. It doesn't work that way. Here are a couple of things for you to understand before you begin requesting services from the public school system:

1. Although schools are not required to base their decision of eligibility on the discrepancy definition alone, they are required to determine if student have a disability that is preventing him or her from making adequate educational progress in the general education environment. So, for many kids with dyslexia, they will not qualify based on the fact that they are making progress without special education services or accommodations. This affects the twice exceptional kids the most. Although the school has to 'consider the potential' (<http://www.harborhouselaw.com/articles/rowley.reexamine.johnson.htm>) of every student, they do not have to help them reach their potential.
2. Schools do not diagnose anything. Nothing. Not ADHD, Autism, Down's Syndrome or dyslexia. For some reason they are much more comfortable using those terms than they are using the word dyslexia, which can give the impression that they do diagnose; they do not. So, if you are requesting assessments hoping to get a diagnosis, then you are heading down the wrong road. The assessments are necessary to determine if the student is eligible and if so, what level of services they require, but you will not be given a definitive diagnosis.
3. Schools have the right to choose the assessments they use to determine eligibility. You can request that specific assessments be used, but that is all you can do. However, the assessments the school uses is required to be

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standardized, varied and implemented by a trained professional. However, you can also disagree with the testing once it is completed.

<http://www.wrightslaw.com/info/test.tee.steedman.htm>

4. To satisfy the “highly qualified” condition in IDEA, a teacher only needs a current Special Education credential.
5. ‘Some progress’ is sufficient under IDEA. I know this is disappointing, but it is the law. If a child is not meeting their IEP goals, but they are making progress toward those goals, that is usually enough to keep the schools in compliance. However, watch out for the disappearing goal (<http://www.dyslexiatraininginstitute.org/blog/dyslexia-the-incredible-disappearing-goals/>). If a child has not met the goal and the goal disappears, then there is a problem.

Of course every situation is different and outcomes will vary based on the personalities involved, but when it comes down to Due Process, these are the bottom lines. Every parent wants their child to achieve to their potential and every parent wants to make sure their child is getting a quality education, that’s what good parents want. Unfortunately, students struggling to read and spell because of dyslexia, or suspected dyslexia, are not automatically entitled to services. If you take the time to understand the points listed in this article, you will go into the process with a clear understanding of exactly what you can and cannot expect from the public school district.

(Excerpt from the forthcoming book Dyslexia: Decoding the System)

Sincerely,

Debbie Downer (aka Kelli Sandman-Hurley)