



May 21, 2015

Ms. Sue Swenson
Acting Assistant Secretary
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-7100

Dear Ms. Swenson:

On behalf of the 1 in 5 students with learning and attention issues and their families, the National Center for Learning Disabilities (NCLD) appreciates your continued dedication to maintaining high expectations for and supporting the success of students with disabilities. We know that with strong leadership and clear guidance, states and districts can better serve our students. **Therefore, we respectfully request that the U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS) issue guidance to states and school districts regarding the use of the terms *dyslexia*, *dyscalculia*, and *dysgraphia* and the provision of appropriate accommodations for students with specific learning disabilities.**

Currently, there are 2.4 million students who have specific learning disabilities and receive special education services provided by the Individuals with Disabilities Education Act of 2004 (IDEA). The most common types of specific learning disabilities are those that impact the areas of reading (*dyslexia*), math (*dyscalculia*), and written expression (*dysgraphia*). They may co-occur with other disorders of attention, language and behavior, but are distinct in how they impact learning. Additionally, there are another estimated 15% of all students who struggle in school due to unidentified learning and attention issues.

It has come to our attention that parents nationwide are having similar experiences whereby some states and school districts are reluctant to include – or directly opposed to including, in some cases – the words “*dyslexia*”, “*dyscalculia*”, or “*dysgraphia*” in a student’s Individualized Educational Program (IEP). In many cases, parents have been told that their state does not “recognize” *dyslexia*, *dyscalculia*, or *dysgraphia* and instead only uses the term ‘specific learning disability.’ Clearly, there must be a misunderstanding of how the U.S. Department of Education intends for states and school districts to define and implement the definition of ‘specific learning disability.’

Dyslexia is explicitly mentioned in the IDEA 2004 statute (Sec. 602(30)(B)) and regulations (Sec. 300.8(c)(10)) as part of the definition of ‘specific learning disability’ (SLD). Further, the terms *dyslexia* and *dyscalculia* are mentioned as specific subtypes of learning disorders in the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) (see p. 67). Thus, it is appropriate to make specific mention of these subtypes of specific learning disorders in an IEP.

It is critical that states and school districts appropriately include *dyslexia*, *dyscalculia*, and *dysgraphia* on a student’s IEP to ensure that the interventions, goals and objectives outlined in the IEP match with the students’ specific needs. For example, instead of including *dyslexia/dyscalculia/dysgraphia*, a student’s IEP is typically given the broad, vague statement of ‘specific learning disabilities – basic reading skills,’ instead of ‘specific learning disabilities – *dyslexia*.’ Without indicating the specific terms *dyslexia*,

dyscalculia, or *dysgraphia* when appropriate, this phrase on an IEP is simply too vague a description to communicate to a teacher that the child needs intensive, explicit, systematic, evidence-based instruction to make progress. Accuracy in the IEP is critical to ensuring that students, families and educators all have the information needed to guide decision-making.

Further, for students who are able to overcome the first hurdle of proper identification of the specific learning disability, they then face the challenge of receiving appropriate accommodations. The vast majority of students with specific learning disabilities spend most, if not all, of their school day in a general education classroom. However, many teachers do not receive adequate preparation or professional development to provide and integrate appropriate accommodations into classroom instruction for students with specific learning disabilities. Knowing the accommodations that are available to students with specific learning disabilities and identifying which accommodations would work best for each student is integral to their success. It is not enough to properly identify the disability without also supporting the student through providing appropriate accommodations.

Therefore, we urge the Department to issue guidance to states and local educational agencies to highlight, among other issues:

- Affirm that the term ‘dyslexia’, exists in both the IDEA 2004 statute (Sec. 602(30)(B)) and regulations (Sec. 300.8(c)(10)) as part of the definition of ‘specific learning disability.’
- Affirm that it is entirely appropriate to make specific mention of subtypes of specific learning disorders in an IEP as they are mentioned in the DSM-V (e.g. Dyslexia and Dyscalculia).
- Affirm that there is no legal reason why the terms ‘dyslexia’, ‘dyscalculia’, and ‘dysgraphia’ should not be used by a state or local educational agency when referring to the identification of and services for a student who does in fact have any of these specific learning disabilities.
- Require states and local educational agencies to evaluate existing policies – both written and non-written institutional policies – to determine whether the terms ‘dyslexia’, ‘dyscalculia’, and ‘dysgraphia’ are being prohibited or suppressed during the comprehensive evaluation process, Individualized Educational Program meetings, identification of specialized instructional programs or related service providers, in conversations with parents, or by systemic omission in state/LEA policies.
- Affirm that states and local educational agencies should have policies in place that allow for the use of the terms ‘dyslexia’, ‘dyscalculia’, and ‘dysgraphia’ on a students’ Individualized Educational Program (IEP), if the findings of a student’s comprehensive evaluation document the presence of any of these types of specific learning disabilities.
- Provide states and local educational agencies with a comprehensive list of resources supported by the U.S. Department of Education to assist with the evaluation and identification of students with dyslexia, dyscalculia, and dysgraphia, and other manifestations of specific learning disabilities.

- Provide states and local educational agencies with a comprehensive guide to commonly used accommodations for students with specific learning disabilities, including 'dyslexia', 'dyscalculia', and 'dysgraphia,' and a list of resources for teachers to assist in incorporating these accommodations into daily instruction and classroom management techniques.

We appreciate your willingness to consider our request and we look forward to working together with you to ensure that families and schools develop partnerships based on high-quality, accurate information so that the millions of students with dyslexia, dyscalculia and dysgraphia receive the evidence-based instruction and interventions needed to succeed in school and life.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Wendorf". The signature is fluid and cursive, with a large initial "J" and "W".

James H. Wendorf
Executive Director

Cc: Melody Musgrove
Director
Office of Special Education Programs