

## Dyslexia and Specific Learning Disabilities

This guidance document is intended to clarify the relationship between dyslexia and specific learning disabilities (SLD) as defined by state and federal special education law. Recent federal Office of Special Education Programs (OSEP) guidance specific to this topic is also integrated within this document.

There is nothing in state or federal law that prohibits the use of the term dyslexia or other related terms such as dysgraphia and dyscalculia in IDEA evaluations, eligibility determinations, or Individual Education Program (IEP) documents. IEP teams may include any relevant information in special education documents.

The federal Individuals with Disabilities Education Act (IDEA) and Wisconsin state rules (PI 11) include Specific Learning Disability (SLD) as one disability category. SLD “may include conditions such as perceptual disability, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia” [34 CFR §300.8 (c) (10); Wis. Admin. Code § PI 11.36 (6) (a)]. With respect to dyslexia, there are a number of definitions in use. For example the *Diagnostic and Statistical Manual of Mental Disorders*, fifth edition (*DSM-V*) (2013) includes classification criteria for “specific learning disorder.” Dyslexia is listed as an “alternative term” within the category of “specific learning disorder” that refers to “a pattern of learning difficulties characterized by problems with accurate or fluent word recognition, poor decoding, and poor spelling abilities” (*DSM-V*, p. 67). A diagnosis of dyslexia is typically made as part of an outside evaluation by a non-public school professional. Such a diagnosis is not a determination of special education eligibility, which, under state and federal education law, is required to be made through the IEP team process.

In addition, OSEP reminds SEAs and LEAs about previous guidance regarding the use of Multi-Tiered System of Support (MTSS), including Response to Intervention (RTI), and timely evaluations, specifically that a parent may request an initial evaluation at any time to determine if a child is a child with a disability under IDEA (34 CFR §300.301(b)), and the use of MTSS, such as RTI, may not be used to delay or deny a full and individual evaluation under 34 CFR §§300.304-300.311 of a child suspected of having a disability.

During a special education evaluation, IEP teams must first decide if a student meets criteria for one or more disability categories specified in state and federal law, such as SLD. If the answer is yes, the IEP team must also determine there is a need for special education. (Wis. Admin. Code § PI 11.35). Wisconsin’s eligibility criteria [Wis. Admin. Code § PI.11.36 (6)] used to identify SLD requires the student demonstrate insufficient progress after intensive intervention **and** inadequate classroom achievement in one or more of eight areas of academic concern. These include three areas of reading: (1) basic reading skills, (2) reading fluency, and/or (3) reading comprehension. In addition, the IEP team must consider a number of exclusionary factors. Because the criteria for diagnosing a reading disorder, such as dyslexia, used during an outside evaluation do not necessarily correspond with state and federal special education eligibility criteria, a student may be diagnosed with dyslexia, but may or may not be determined to be a

student with a disability under state and federal special education law.

The recent OSEP guidance reinforces the requirement that LEAs conduct comprehensive special education evaluations. Such evaluations require the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about a student. A comprehensive evaluation includes information provided by the parent and may include findings from outside evaluations. Outside evaluations, such as evaluations for dyslexia, may provide information about the child's learning difficulties related to reading, mathematics, or writing, that is important for determining the nature and extent of the student's disability and educational needs.

When a student is found eligible for special education, the next step is for the IEP team, which includes the parent, to develop an Individualized Educational Program (IEP). The information from the comprehensive evaluation, including information from the parent and outside evaluations, should be considered when determining the content of the student's IEP.

## Resources

For more information on the criteria for identifying a specific learning disability in Wisconsin, including links to state and federal laws, see <http://dpi.wi.gov/sped/program/specific-learning-disabilities>.

Office of Special Education Programs (OSEP) Dear Colleague Letter: Policy guidance on the use of the terms dyslexia, dyscalculia, and dysgraphia. October 23, 2015  
<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>

Melody Musgrove, Director, Office of Special Education Programs (OSEP) Memorandum to State Directors of Special Education: A response to intervention (RTI) process cannot be used to delay-deny an evaluation for eligibility under the Individuals with Disabilities Education Act (IDEA) <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf>