

# 21st CENTURY DYSLEXIA ACT

## Frequently Asked Questions (FAQ)

### *What is Dyslexia?*

According to the [Yale Center for Dyslexia and Creativity](#), dyslexia is an unexpected difficulty in learning to read. Specifically, dyslexia takes away an individual's ability to read quickly and automatically, and to retrieve spoken words easily, but it does not dampen their creativity and ingenuity. The [First Step Act of 2018](#) defines dyslexia as “an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, and is most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell. The First Step Act definition is based on the scientific understanding of dyslexia and is accepted by the medical community, as evidenced by its inclusion in the most recent edition of the Nelson Textbook of Pediatrics.

### *How Prevalent is Dyslexia?*

Findings from the Connecticut Longitudinal Study, which was conducted by Drs. Sally and Bennett Shaywitz of the Yale Center for Dyslexia & Creativity, show that [dyslexia affects 20 percent of the population](#). However, most schools do not screen for dyslexia, meaning students often go unidentified. When students are unidentified, they suffer from low self-esteem, due to their inability to read, spell, or write like their peers, despite the fact that their intelligence is not impacted by dyslexia. The lifelong consequences of failing to identify students with dyslexia is that [dyslexics make up nearly half of prison inmates](#), [dyslexic students have lower graduation rates](#), and [dyslexic workers earn less than their non-dyslexic](#)

### *Is Dyslexia a Category in the Individuals with Disabilities Education Act (IDEA)?*

No. [Disability categories in IDEA](#) are included in the definition of a “child with a disability.” These categories include: 1) Intellectual disabilities; 2) Hearing impairments (including deafness); 3) Speech or language impairments; 4) Visual impairments (including blindness); 5) Serious emotional disturbance (referred to as emotional disturbance); 6) Orthopedic impairments; 7) Autism; 8) Traumatic brain injury; 9) Other health impairments; and 10) Specific learning disabilities.

Rather than having its own category in IDEA, Dyslexia is currently listed as a disorder in the definition of “specific learning disabilities” in IDEA.

## *How Does IDEA Define Specific Learning Disabilities?*

The [definition for specific learning disabilities](#) in IDEA is:

(A) IN GENERAL.—The term “specific learning disability” means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of intellectual disabilities, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

## *What Percentage of Students are Identified in IDEA with a Specific Learning Disability?*

Of the 7.3 million public school students receiving services under IDEA, [33% of students are classified as having a specific learning disability](#). For many students who struggle to read, they are identified as having a specific learning disability.

## *What Percentage of Students with a Specific Learning Disability from Dyslexia?*

The U.S. Department of Education does not track how many students have dyslexia, as it is not a category included in the definition of a “child with a disability.” As a result, we do not know how many students are receiving services under IDEA or in the form of a 504 plan for dyslexia. However, [it is estimated that 80-90% of students with a learning disability have dyslexia](#).

## *Are Schools Required to Document a Dyslexia Diagnosis on an Individualized Education Program (IEP)?*

No. For students identified with a specific learning disability, schools rarely draw a distinction between a student who has an “imperfect ability to ... read, write, [or] spell” and a student who has dyslexia. In other words, [an IEP for a student with a specific learning disability is rarely specific if the student has dyslexia](#).

This issue was brought to the Department of Education’s attention in 2015. In a Dear Colleague letter, the Office of Special Education and Rehabilitation Services (OSERS) wrote that “SEAs and LEAs [are encouraged] to consider situations where it would be appropriate to use the terms dyslexia, dyscalculia, or dysgraphia to describe and address the child’s unique, identified needs through evaluation, eligibility, and IEP documents.” Properly documenting dyslexia on an IEP is such a problem for schools, that OSERS needed to also state that OSERS “encourages states to review their policies, procedures, and practices to ensure that they do not prohibit the

use of the terms dyslexia, dyscalculia, and dysgraphia in evaluations, eligibility and IEP documents.”

The questions that prompted the 2015 OSERS Dear Colleague and the response contained in the Dear Colleague make it clear that the status quo is not working for students with dyslexia. Since the publishing of the Dear Colleague, little has changed in identifying dyslexia and documenting it on IEP documents for students given a specific learning disability diagnosis.

### *Why Should Dyslexia Have its Own Category in IDEA?*

As evidenced by the 2015 OSERS Dear Colleague letter, schools rarely differentiate between whether a student’s reading difficulties are the result of an “imperfect ability to read,” as described under specific learning disabilities, or because the student is dyslexic. This is because federal law does not require schools to differentiate and determine the underlying reason why a student struggles to read. In other words, there is no requirement to look an inch deeper during an IEP evaluation, resulting in students who are dyslexic getting an IEP for a specific learning disability because they are struggling to read instead of an IEP that specifies dyslexia. As a result, dyslexic students fail to get the accommodations or instruction that is appropriate for their disability. Ultimately, this begs the question whether dyslexic students receive a Free Appropriate Public Education (FAPE).

### *Does Establishing Dyslexia as its Own Category in IDEA Risk “Opening up IDEA?”*

No. [Ensuring dyslexia is a category in IDEA does not risk opening up IDEA to further amendments](#) to expand the number of disability categories. The most recent addition to IDEA came in 1990, when traumatic brain injury and autism were added as new disability categories. In the case of adding autism to IDEA, prior to its addition as a category, students with autism were commonly identified in other categories, such as having an intellectual disability, a speech or language impairment, or a specific learning disability. By making autism its own category, more students are accurately diagnosed with autism, resulting in a higher percentage of students receiving an education that is appropriate for their condition.

Today, dyslexic students face a similar challenge to the autistic students prior to autism’s addition to IDEA in 1990. Any concerns about opening up IDEA categories for dyslexia should be met with a reminder that categories are not meant to never change, but to be updated to reflect a modern understanding of disabilities. In this case, it means understanding that a specific learning disability is not dyslexia and dyslexia should not be clumped together with specific learning disability.

## *Can Improved Teacher Training Result in Improved Identification of Students with Dyslexia?*

While improved teacher training may lead to improved identification of students with dyslexia, teacher training alone will not change the fact that federal law does not require students with dyslexia to be identified. Additionally, the quality of classroom instruction is also not an excuse for failing to identify students with dyslexia, as dyslexia is lifelong. The quality of classroom instruction also cannot prevent students from getting dyslexia, as dyslexia is a condition student are born with. Further, the federal government is not in a position to require any particular type of teacher training to improve classroom instruction. Instead, the federal government's role is to ensure students have access to FAPE, which means providing students with an education plan that is truly individualized for the needs of that student.

## *Why is it Important to Define Dyslexia in IDEA?*

The status quo is not working. In 2019, [34 percent of 4th graders performed below Basic on the NAEP reading exams](#). When broken down by race, a large achievement gap becomes apparent, with 52 percent of Black students and 45 percent of Hispanic students testing below Basic, compared to 23 percent of white students. Defining dyslexia in IDEA ensures states across the country have a uniform understanding of dyslexia. This will ensure a common standard for identifying and diagnosing students with dyslexia, rather than a patchwork of differing state definitions that may not reflect a definition based on an evidence-based understanding of dyslexia. The definition in the 21st Century Dyslexia Act recognizes the unexpected nature of dyslexia and the absence of an effect dyslexia has on an individual's intelligence, while at the same time recognizing the phonologic nature of dyslexia. This understanding of dyslexia recognizes the inherently difficult time dyslexic individuals have when learning to read and write well, as they are forced to labor more than their non-dyslexic peers.