

Senate Enrolled Act 217 and Article 7 and IDEA REVISED 3.19

The requirements under the dyslexia law are separate from Article 7 requirements. SEA 217 is not a special education law, although either the parent or the school may make a referral for evaluation under Article 7 at any time, even before completing a Level I or Level II screening.

The universal screener, because it is administered to all students in the applicable grades, can be administered to all students without requiring written parental consent. Because the Level I and Level II screenings are not administered to all students, written parental consent is required before administering these additional tests. This is consistent with the requirements of Article 7.

Under the dyslexia legislation, intervention and instructional services are provided to the student as needed, regardless of whether the parent provides consent for further screenings. The school may base this on the information or data it has from other sources, including the universal screening. The school should continue to have conversations with the parent about the student's progress and potentially the need for further screenings. This doesn't negate the school's child find obligations under the Individuals with Disabilities Act (IDEA) and Article 7. If the school suspects the student may have a disability under Article 7, it should make the referral for evaluation and follow the procedures under Article 7.

It is important to note that the dyslexia screening under this law cannot be used to delay or deny evaluation under Article 7. Similar to previous intervention processes in the past (whether general education interventions, or Response to Intervention [RTI]), this process is not a substitute nor a required prerequisite before evaluation under Article 7, and cannot be used to delay or deny a parent's request for evaluation. Similarly, if a school suspects a disability under Article 7, it should not delay its child find responsibilities and should move forward with a referral immediately. Any delay could result in a finding of denial of a free appropriate public education (FAPE).

When administering the universal screener to students who receive special education services, it is important to consider if the screener will deliver any new information or data that will inform instruction beyond the student's special education category.

School corporations and charter schools will use the RTI process for general education students that are considered "at risk" or "at some risk" for characteristics of dyslexia. If during the RTI process schools do not see a student making adequate academic gains with intense tier 3 intervention, progress monitoring data shows no growth, and a clear pattern of strengths and weaknesses are present for characteristics of dyslexia, then schools should make a referral and request parental consent to conduct an educational evaluation.