

Law You Can Use: Consumer Information Column

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Schools Must Assist Students with Reading Difficulties

Q: *My child had a hard time learning the alphabet, and now he is having difficulty learning to read. What are schools supposed to be doing to teach my child to read?*

A: In 2000, the National Reading Panel, a group of experts convened by the National Institute of Child Health and Human Development, found that for typical children, there are five reading skills that schools must teach: Phonemic awareness (ability to distinguish and manipulate the sounds in words), phonics (the relationship between letters and sounds), fluency (ability to read accurately and quickly), vocabulary (word knowledge) and comprehension (understanding of what is read). These five essential components make up the legal definition of reading that is incorporated in the “No Child Left Behind” law, which all schools must follow.

Q: *If my child can't read, does this mean he has dyslexia?*

A: Not necessarily. Dyslexia is a neurological disorder that interferes with the child's ability to remember, manipulate, sequence and organize the alphabet and the sounds of the English language. It can be difficult for children with dyslexia to decode or “sound out” words as a result, which makes them slow and choppy oral readers unless they have special, intensive instruction. Not all children who have difficulty decoding words are dyslexic, however. Some children have weaknesses because they haven't been provided with a reading program that effectively teaches phonemic awareness, phonics and fluency.

Q: *If my child can't read, does this mean he has a low I.Q.?*

A: No. There may be a number of reasons why your child is having trouble reading. For example, individuals with dyslexia can be extremely bright, successful and high-achieving people, particularly if they receive the right kind of teaching early in their school careers.

Q: *What should I do if my child's reading skills do not seem to be developing?*

A: Make a written request to your principal, special education director, or superintendent asking that your child be evaluated for special education eligibility. The school is obligated to evaluate your child if teachers and administrators "suspect" that the child has a disability. If the school agrees to evaluate, you will have to sign a consent form. If school staff members do not "suspect" a disability, they must send you a formal notice, called "prior written notice" or form PR-01, explaining why they do not suspect a disability. Along with this written notice, they should give you a booklet entitled, *Whose Idea Is This*. This booklet explains your right to file complaints with the Ohio Department of Education, and/or to file a due process complaint against your school district if you disagree with a decision made by your school district.

Q: *I requested the evaluation and the school told me RTI had to be tried first before they would evaluate. What is RTI?*

A: RTI stands for "Response to Intervention," an optional evaluation method that requires the school to use a research-validated teaching program to instruct a child who is exhibiting difficulty in decoding, reading fluency, reading comprehension, or other areas. The school must collect data regarding the child's performance in the program, review it along with other information gathered from various tests and assessments, and use it in determining whether the child is eligible for special education. It may take longer than 60 days to determine whether the child is responding appropriately to the intervention, so Ohio allows schools to wait to provide a multi-factored special education evaluation until after the intervention program can be evaluated for effectiveness.

If a school is doing RTI, it knows that the child may be eligible for special education. You may be able to persuade the school to evaluate sooner rather than later by speaking to the superintendent, and/or presenting private evaluations supporting disability to the school district.

Q: *The school says if I just give it time, my child will catch up. Should I just wait and see?*

A: There are specific programs that have been shown to be effective with children who have dyslexia or other reading disabilities – programs that provide step-by-step, explicit instruction regarding the sounds, syllables and spelling of words. The earlier your child receives instruction

through such programs, the more likely they are to be effective. Experts tell us that children who are not on track with reading by the end of third grade have little chance of catching up.

This “Law You Can Use” column was provided by the Ohio State Bar Association. It was prepared by attorney Judith C. Saltzman of Hickman & Lowder Co., LPA in Cleveland. The column offers general information about the law. Seek an attorney’s advice before applying this information to a legal problem.