

Legal System of Dyslexia in U.S.A^{*}

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Abstract- Given the high incidence of dyslexia, the United States has established the legal system related to dyslexia in the federal laws, state laws and school district policies to regulate and guide the dyslexia screening, intervention, treatment and so on. This paper analyzes the role of the United States federal laws related to dyslexia, and takes the Texas State laws and its school districts' policies for example to parse their content and points out their role in the work of dyslexia.

Index Terms - Dyslexia, legal system, federal laws, state laws, school district policies

1. Introduction

Dyslexia is divided into acquired dyslexia and developmental dyslexia. The former refers to reading difficulties caused by acquired brain injury; the latter means that there is no obvious neurological or structural damage in the child's brain and he is at normal intelligence levels, but falls significantly behind the corresponding intellectual level or age in reading development. Dyslexia mentioned in the paper refers only to developmental dyslexia. In the United States, the incidence of children with dyslexia rate of 10% - 15% [1]. Studies have shown that sustained, purposeful early intervention can reduce the impact of dyslexia on children, and raise the level of development of individual children [2]. The United States has established a legal system of dyslexia regulations from the federal government, state governments to the independent school district (ISD) which are the three levels of the system to provide guidance to schools and parents to help dyslexic children grow better.

2. Three Levels of Regulations in the Legal System of U.S.A

The U.S. constitution power is divided into two parts: the federal government is entitled to the specific legislative, executive and judicial powers and the powers granted to the federal government is not reserved to the states, while the states enjoy autonomy and independence in the affairs of their jurisdiction. So in the same area there is a double-legal system federal and state law. Its regulations on dyslexia also follow this system, namely: the federal government issues the laws and regulations, and the state governments also have their own laws and regulations enacted.

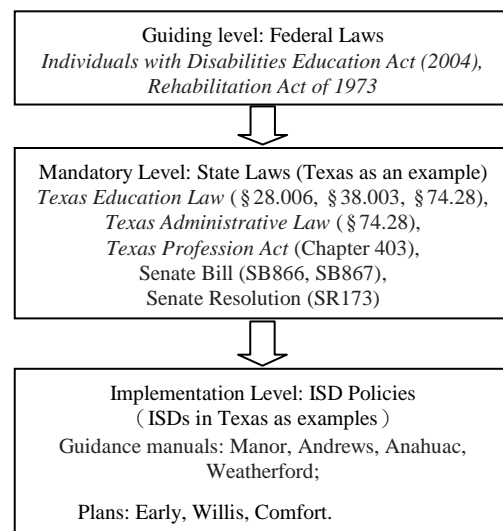
The federal government's laws and regulations are mainly involved in the following aspects: requirements of the states in dyslexic issues and assistance policies to the states to improve their performance in the work while guiding the development

direction of the state legislature, thus play a leading role in the whole system. The typical laws and regulations are *Individuals with Disabilities Education Act (2004)*, *Rehabilitation Act of 1973* and so on.

Compared with the federal laws, state laws and regulations are mandatory, involving all aspects of dyslexia. Take Texas State for example, it issued *Texas Education Law* (§ 28.006, § 38.003, § 74.28), *Texas Administrative Law* (§ 74.28), *Texas Profession Act* (Chapter 403), etc., as well as passed the Senate Bill (SB866, SB867) and the Senate Resolution (SR173).

Every Independent School District (ISD) is in accordance with regulations promulgated by the federal and state governments, combined with the specific reality of each school district to prepare specific guidance documents. Take ISD in Texas for example, some prepare dyslexia guidance manuals, such as Manor ISD, Andrews ISD, Anahuac ISD, Weatherford School District; some develop dyslexia plans, such as Early ISD, Willis ISD, and Comfort ISD.

Figure 1. Three levels of legal system of Dyslexia in U.S.A



3. Relevant Laws and Regulations of the Federal Government

Rehabilitation Act of 1973 of section 504 (Section 504) protects any person who has a physical or mental impairment that substantially limits one or more major life activities, has a

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record of such impairment, or is regarded as having such an impairment (including persons with dyslexia). In 2004, the federal government announced the latest revision of Individuals with Disabilities Education Act---Individual with Disabilities Education Improvement Act (referred to as IDEA 2004), stating that “DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.” (SEC.602-30-B) and “in implementing this section, a State shall adopt a policy that includes a requirement that local educational agencies in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.”(SEC.612-14-D). All these provisions make it clear that the screening and diagnosis procedures and the schools should provide personal education programs (Individual Education Program, IEP). Federal Ministry of Education has developed Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, 2006, as the implementation policy of Individuals with Disabilities Education Act, which explains how to interpret and implement the Act. These laws and regulations is the leading level of U.S. legal system of dyslexia and play a guiding role and direct the development of the dyslexic work.

4. State Government Regulations (Texas as an example)

Texas is one of more successful states in U.S. state in the legislative work done on dyslexia, and has been basically formed a relatively complete dyslexia laws, regulations and documents, e.g. a dyslexia handbook prepared to establish a registered professional qualification certificate system, the Senate passed a resolution (SR173) that the February 13 is Dyslexia Awareness Day.

Texas dyslexia regulations cover the following areas: Responsibilities of State Board of Education, school districts and schools. The commissioner shall develop recommendations for school districts for: (1) administering reading instruments to diagnose student reading development and comprehension; (2) training educators in administering the reading instruments; and (3) applying the results of the reading instruments to the instructional program. (*Texas Education Act*, § 28.006) The board of trustees of a school district must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate instructional services to the student are implemented in the district. These procedures will be monitored by the Texas Education Agency with on-site visits conducted as appropriate. And a school district shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies which utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components

described in "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." The professional development activities specified by each district and/or campus planning and decision making committee shall include these instructional strategies. (*Texas Administrative Law* § 74.28); students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education, in accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder. (*Texas Education Act*, § 38.003).

Requirements for teachers and students. The Senate bill (SB866) amends *Texas Education Law* that the board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate. Any minimum academic qualifications for a certificate specified under Subsection that require a person to possess a bachelor's degree must also require that the person receive, as part of the curriculum for that degree, instruction in detection and education of students with dyslexia. *Texas Education Act* (§ 38.003) requires that students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.

Dyslexia Handbook. The Texas State Board of Education (SBOE) first approved the Texas Education Agency handbook *Dyslexia and Related Disorders: An Overview of State and Federal Requirements* in January 1986. In the summer of 2010, the need arose for an update of the handbook to include new legislation and additional research. This handbook replaces all previous handbooks and guidelines. *The Dyslexia Handbook – Revised 2007, Updated 2010: Procedures Concerning Dyslexia and Related Disorders* contains the SBOE-approved procedures concerning dyslexia and related disorders. The Texas Education Agency (TEA) handbook provides guidelines for school districts to follow as they identify and provide services for students with dyslexia. Additionally, the handbook provides school districts and parents/guardians with information regarding the state's dyslexia statutes and their relation to these federal laws: the Rehabilitation Act of 1973, Section 504 as amended in 2008 (§504), the Americans with Disabilities Amendments Act and the Individuals with Disabilities Education Act of 2004 (IDEA 2004). In addition to the Dyslexia Handbook, resources include a State Dyslexia Network, a State Dyslexia Consultant, and a hotline (1-800-232-3030) at regional Education Service Centre (ESC).

Dyslexia licensed practitioner and therapist system. *Texas Occupation Code* (Chapter 403) specifically regulates dyslexia practitioner and therapist registration qualification in eligibility criteria, training, examination requirements, teacher training qualifications, working conditions and supervision of the holder and other requirements. The Senate bill (SB867) made

a detailed regulation in qualification examination accommodations for dyslexic patients.

5. Independent School District Regulations (ISDs in Texas as examples)

In the United States, even though education is the statutory duty of the state, but many states exercise the most effective management that the school districts play an important role in practical administration. Thus the existing 14,891 school districts in the United States form the most basic education administrative units. School District Board of Education is to implement the state's regulations and policies, develop the school policies, and curriculum programs. Texas

ISDs also belong to this system, and are mainly responsible for the management of primary and secondary schools, and implement various federal and state education laws.

Regulations in Texas ISDs mainly can be divided into four parts:

Common contents (including definition, assessment, diagnosis, education, curriculum and programs) which mainly based on two laws of Texas (*Texas Education Law* and *Texas Administrative Law*) and *Dyslexia Handbook*. For example, the definition of dyslexia is entirely drawn from *Texas Education Law* § 38.003. This part is the core and essential part of the policies and documents.

Table 1. Contents of ISD policies in Texas

ISD	Andrews	Wills	Comfort	Early	Weatherford	Manor	Anahuac
Common contents	Definition	Y	Y	Y	Y	Y	Y
	Assessment	Y	Y	Y	Y	Y	Y
	Instructional program	Y	Y	Y	Y	Y	Y
	Identification	Y	N/A	Y	Y	Y	Y
	Program exit	Y	Y	Y	Y	N/A	Y
Quasi-common contents	Monitoring	Y	Y	Y	Y	N/A	N/A
	Relevant laws	Y	N/A	Y	Y	N/A	Y
	Referral process	Y	Y	Y	Y	N/A	N/A
	Relevant forms	N/A	Y	N/A	N/A	Y	Y
	Local policy	N/A	N/A	N/A	N/A	Y	Y
	Required timeline	N/A	Y	Y	Y	N/A	N/A
Quasi-individual contents	Local committee	N/A	Y	N/A	N/A	N/A	Y
	Accommodations	N/A	N/A	N/A	N/A	N/A	Y
	Interventions	N/A	N/A	N/A	N/A	Y	N/A
	Screening	N/A	Y	N/A	N/A	N/A	Y
	Special program	N/A	N/A	N/A	N/A	Y	Y
	English as L2 learner	Y	Y	N/A	N/A	N/A	N/A
Individual contents	Teacher training	N/A	N/A	N/A	N/A	N/A	N/A
	Parent education	N/A	N/A	N/A	N/A	N/A	N/A
	Monitoring indicators	N/A	N/A	N/A	N/A	N/A	Y
	Students transfers	N/A	N/A	N/A	N/A	N/A	Y
	Compliance measures	N/A	N/A	N/A	N/A	N/A	Y
	Program Entrance Criteria	N/A	Y	N/A	N/A	N/A	N/A

Y=yes, N/A=no

Quasi-individual contents (including adaptation, special provisions intervention and screening measures, special education, and non-native speakers of English learners. For example, Andrews ISD and Willis ISD have specific provisions related to non-native speakers of English learners, because in these two school districts, a larger number of native speakers of other languages. In the 2012-2013 school year, for example, non-English speaking students in Andrews School District are 250, representing the total number of students

(3250 people) of 7.7% [3], and this proportion in Willis school district up to 14.2% (Total number of students 6442 people, 912 students of English as a Second Language) [4]. A high proportion of non-English speaking students in the school district make these two ISDs give more consideration to this part of the students' needs, resulting in files made specifically for this specific requirement.

Individual contents which involve training of teachers and parents, the conditions for admission to the course, the

implementation of the monitoring indicators, students transfer regulations, laws and other implementation details. Each ISD, in accordance with their specific practice, makes specific requirements with distinct characteristics. For example Manor

Quasi-common contents (including the interpretation of the relevant regulations, the process of guidelines, school district policies, monitoring and implementation of the work). For example, Weatherford ISD develops a "special course curriculum design" (Policy Code EHB, 2011) which indicates clearly the diagnosis, testing, treatment, reading programs, re-evaluation; Manor ISD states that the mission, goals, constitutes full-time staff and reading disorder dyslexia project roles and responsibilities of teachers.

ISD develops "dyslexia Compliance Monitoring Indicators" and publishes a list of the implementation of relevant laws and regulations.

6. Conclusions

The study in dyslexia originates from western countries, develops very fast in the past years and has yielded lots of fruits in alphabetic languages, such as English. But early researches on dyslexia have focused mainly on the English language. Even some researcher claimed that there are few dyslexic children in oriental languages such as Chinese in which the smallest written units are characters representing monosyllabic morphemes (units of language that convey meaning). In 1982, a reading test was constructed in English, Japanese, and Chinese with large samples of children in Japan, Taiwan, and the United States. Strong evidence was found that reading disabilities exist among Chinese and Japanese as well as among American children [5].

Despite the identifications of dyslexia both in western languages and oriental languages, there are lots of work for us to do in the field of government policies to help the dyslexic children. Take China for example, In 1990s, researchers in China mainland found that Chinese children do be with reading difficulties by using survey and case studies and claimed that detection rate of Children with dyslexia is 7.96% and 4.55% depending on the different survey methods in Shandong Province. But there are no measures adopted by neither the government nor the school, even few teachers know the existence of dyslexia in their pupils. All these lead to the blank in policies, laws and teaching programs.

For many countries which do not pay enough attention to the dyslexia and other learning disabilities, legal systems of dyslexia in USA set us a good example to follow.

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