

Key points:

- *Get information in writing about training programs that parents request*
- *Inform parents that methodologies are selected on individual basis*
- *Show parents staff certifications and research that supports your methodology*

Dyslexia: Prepare teams to field requests for ‘quick-fix’ methodologies

Now is a good time to train IEP teams on how to handle methodology requests for children with dyslexia, sources say.

“More parents are dialed into advocacy groups that are looking things up on the Internet and searching for ‘quick fixes’ for students with dyslexia,” says Anne H. Littlefield, a school attorney at Shipman & Goodwin LLP in Hartford, Conn. “Other parents who are frustrated with their children’s progress are searching on their own for new alternatives.”

There also is an increase in groups that purport to train instructors in certain techniques to teach students with dyslexia, she says.

The IDEA doesn’t require a district to specify the educational methodology it will use or to use a methodology that parents prefer unless it is necessary to confer FAPE. It is in your district’s best interests, however, to investigate parents’ preferred methodologies and include parents in discussions about methodology.

Urge teams to take these steps:

- **Involve parents in methodology discussion.** Just because districts aren’t obligated to adopt parents’ preferred educational methodology doesn’t mean that they should ignore parents’ input on educational methodologies, Littlefield says.

For example, in *W.R. and K.R. ex rel. H.R. v. Union Beach Board of Education*, 111 LRP 12486 (3d Cir. 02/17/11, unpublished), the parents of a fifth-grader with dyslexia failed to show that a New Jersey district denied their son FAPE by hindering their participation in developing his IEP. The parents claimed they were denied meaningful participation because they were not told what methodology the district would implement to address the child’s reading deficit. Evidence that the district informed them it would use an eclectic approach and that the parents and district discussed the child’s IEPs at length indicated otherwise.

“The district in that case did the right thing by involving parents in the methodology discussion,” Littlefield says. IEP teams should involve parents in the discussion by asking them what they like about their preferred methodology, thoroughly explaining the district’s methodology choices, and answering parents’ questions, she says.

- **Research parents’ preferred methodology.** Districts should do their “due diligence” when parents ask for a new methodology or request an instructor who has a particular certification, Littlefield says. Methodologies for dyslexia are unique because trendy vendors come and go, she says. What’s more, certification programs may require a teacher or service provider to take a 16-hour training course, she says. If parents request that a staff member receive a certain type of training, get information in writing about the training program’s rigor, effectiveness, and whether it is research based, Littlefield says. “Find out if it is a fly-by-night operation where there are no rigorous standards for the people being trained,” she says. If you deem the program inappropriate, review

the information and your concerns with parents. Having written information about the program also shows that you did take the parents' request seriously and researched their request, she says.

- **Consider child's individual needs.** Determine whether a parents' preferred methodology is a good fit for the individual child, says Irene Meier, director of special education for Fairfax County (Va.) Public Schools. Some parents believe if their child has dyslexia, there are certain methodologies the district must use, such as Lindamood-Bell. Help parents understand that the district does not select methodologies based on what the child's disability is or what has been effective for other students with the disability, Littlefield says. Rather, methodologies are selected based on what the child's specific needs are and what is necessary for FAPE, she says. For example, in *Fairfax County School District v. Knight*, 49 IDELR 122 (4th Cir. 2008, unpublished), a Lindamood-Bell program was not required for a ninth-grader with dyslexia and LDs to obtain a meaningful education benefit. The 4th Circuit affirmed a decision that the district's program, which used a different methodology, was reasonably calculated to provide FAPE.

- **Discuss need for peer-reviewed research.** Remind parents that the IDEA requires IEPs to include a statement that programs used be based on peer-reviewed research to the extent practicable. See whether there is peer-reviewed research available on the parents' preferred methodology, Littlefield says. "Even though case law is clear that districts can select methodologies that aren't based on peer-reviewed research as long as they provide FAPE, I don't think that means you should go with a fly-by-night methodology. I think you have a problem if you can't find any research on a particular methodology or if you do not have data to support that your methodology is likely to produce progress," she says. Also, pointing to peer-reviewed research shows parents that the district "didn't just dream up the methodology one morning," Littlefield says.

- **Provide support for district's chosen methodology.** If your district chooses a methodology that is different from the one parents requested, explain this decision. Show parents staff certifications and peer-reviewed research that supports your methodology, Littlefield says. "You may have a special ed teacher with a master's degree who attended a 12-week training course in X," she says. The person parents request, however, may have received certification from a 16-hour training program and have no degree or background in education. "Sometimes you need to highlight that for parents," she says. Make sure to document this discussion. "If you do go to due process, there will be a record that you talked about the parents' request and respected their input," Littlefield says.

- **Don't specify methodology in IEP.** The IEP is not considered a daily lesson plan where you should list specific programs, materials, or methodologies, says Meier. Thus, even if you discuss and agree upon a methodology at the IEP meeting, leave it out of the IEP, she says. This is important for a couple of reasons, Littlefield notes. By noting a specific methodology in the IEP you may inadvertently give parents the impression that it is the only methodology the district will ever use with the student. Also, they may mistakenly believe that the IDEA's stay-put provision applies to the methodology, as it does to special education services that are set forth in a student's IEP. "You can avoid a stay-put dispute over methodology altogether by leaving it out of the IEP," Littlefield says.

Heidi Sfiligoj covers IEP teams and other special education issues for LRP Publications.

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