

Resolution # 2

THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) RESOLUTION RECOGNIZING AND ADDRESSING THE EDUCATIONAL IMPLICATIONS OF DYSLEXIA IN THE STATE OF CALIFORNIA

Sponsored By: California State Conference

Submitted By: Oakland, CA, Branch

RECITALS

WHEREAS, the term “dyslexia” is found in twenty-two state laws, including the California Education Code, and in Federal law under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act within the broad eligibility category of a Specific Learning Disability (SLD);

WHEREAS, in October 2015, the federal Department of Education (DOE), Office of Special Education and Rehabilitation Services (OSERS), published a “Dear Colleague” letter encouraging state education agencies and local school districts to consider situations where it would be appropriate to use the term dyslexia to describe and address a child’s unique, identified needs through evaluation, eligibility, and IEP documents. OSERS further encouraged States to review their policies, procedures, and practices to ensure that they do not prohibit the use of the term dyslexia;

WHEREAS, in ensuring the provision of free appropriate public education (FAPE), OSERS encouraged States to remind local school districts of the importance of addressing the unique educational needs of children with specific learning disabilities resulting from dyslexia during Individualized Educational Program (IEP) Team meetings and other meetings with parents under IDEA;

WHEREAS, the IDEA requires that the IEP Team tailor specifically designed instruction to meet the individual needs of students, and students who exhibit characteristics of dyslexia must be provided an appropriate individualized intervention at school;

WHEREAS, in 2015, AB 1369 (Education Code § 56335-56338) became law requiring the California Department of Education (CDE) to develop program guidelines for dyslexia, in time for use no later than the beginning of the 2017-18 school year, to be used to assist regular education teachers, special education teachers, and parents to identify and assess pupils with dyslexia, and to plan, provide, evaluate, and improve educational services to pupils with dyslexia;

WHEREAS, AB 1369 also provides that “a pupil who is assessed as being dyslexic and meets certain eligibility criteria for the federal Individuals with Disabilities Education Act category of specific learning disabilities is entitled to special education and related services.”

WHEREAS, the California Department of Education’s Dyslexia Guidelines, in the second paragraph of page 42, states, “The reasons for the overall lack of proficiency in reading achievement are complex, with various contributing factors involved. One of the greatest contributing factors for lower achievement scores in reading is lack of early and accurate identification of students with dyslexia.”

WHEREAS, the CDE advised school districts to be proactive in their implementation of AB 1369, and multiple SELPAs and school districts in California have already adopted policies to implement AB 1369;

CALIFORNIA SCHOOL DISTRICTS POLICIES MUST BE UPDATED IN COMPLIANCE WITH LAW

WHEREAS, ensuring a high-quality education for children with specific learning disabilities is a critical and important responsibility of each School District;

WHEREAS, the NAACP serves and represents students attending schools in California and it is the commitment of the NAACP membership that the students in California receive a free and appropriate education (FAPE) in accordance with state and federal law;

WHEREAS, there is compelling scientific evidence that early identification and intervention improves literacy outcomes for most students with symptoms of dyslexia within the state of California;

WHEREAS, the First Step Act of 2018 (Senate Bill 3747) passed December 12, 2018, formally defines dyslexia as “an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, 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.”

WHEREAS, two studies have found illiteracy rates in prisons to be near 80% and the rate of dyslexia between 47-50%, and it is the NAACP's intention to disrupt that relationship.

WHEREAS, deficits in phonological awareness is viewed as the hallmark sign of potential dyslexia, and under the California Education Code Section 56334 and Section 3030 of Title 5 of the California Code of Regulations, deficits in phonological processing must be identified as part of special education eligibility requirements;

WHEREAS, the American Federation of Teachers (AFT) have clarified that high-quality reading instruction requires the following elements: strong core curriculum, instructional materials aligned with the research, appropriate reading assessments, timely and intensive intervention for struggling students and high-quality professional development. It further clarified that a strong core curriculum should reflect the research consensus that effective beginning reading instruction must include explicit, systematic, core classroom instruction in kindergarten through third grade on these essential components: phonemic awareness, phonics, fluency, vocabulary and comprehension;”

WHEREAS, Tier 1 instruction (core classroom) that is rooted in reading science is required for the majority of students (including those with dyslexia) to acquire the skill of reading;

WHEREAS, children in California have the intelligence necessary to learn the skill of reading and should be expected to read much better than the proficiency rates on state assessments indicate.

THEREFORE BE IT RESOLVED, that the NAACP demands that Tony Thurmond, California State Superintendent of Public Instruction, review and update policies, procedures and practices to ensure that: (1) such policies, procedures and practices are aligned with the October 2015 DOE's "Dear Colleague Letter" and AB 1369 and its guidelines; and (2) IEP Teams understand that the term "Specific Learning Disability" is an umbrella term and does not prohibit the use of the term "dyslexia" when determining special education eligibility and educational services noted in IEP documents. The Superintendent shall complete such review and update State policies, procedures and practices and report back to each school board within 90 calendar days;

BE IT FURTHER RESOLVED, that the NAACP demands that the Superintendent create a plan to provide teacher and staff training necessary to improve the understanding of dyslexia and its warning signs, develop appropriate evidence-based tier 1 Structured Literacy Instruction, and appropriate classroom accommodations/modifications, and report back to the Board with such plan within 90 calendar days;

BE IT FURTHER RESOLVED, that the NAACP demands that the State use the Comprehensive Test of Phonological Processing (CTOPP-2) or other appropriate assessments, to ensure that phonological processing is assessed when conducting an evaluation for special education eligibility under the eligibility category of Specific Learning Disability, following State and Federal laws and regulations determining special education eligibility and when determining the unique educational needs of students with dyslexia;

BE IT FINALLY RESOLVED, that the NAACP demands that the State ensure the provision of Free and Appropriate Public Education by providing an evidence-based, multi-sensory, direct, explicit, structured, and sequential approach to instructing students with dyslexia, as required by AB 1369, such as those used by Intensive Diagnostic Educational Centers (IDEC).



Dr. Alice Huffman, President

Date: 10/26/19



Ida M. Johnson, Secretary