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Repeating unsuccessful methods for student with dyslexia denies FAPE

Case name: *Special Sch. Dist. of St. Louis County*, 73 IDELR 108 (SEA MO 2018).

Ruling: An independent hearing officer found that a Missouri district failed to provide a student with autism and dyslexia FAPE because it failed to provide a structured, multisensory program of the type that would enable the student to improve his reading. The IHO ordered the district to implement a specific reading program into the student's curriculum immediately.

What it means: Implementing the same, or similar, unsuccessful programs year after year to a student with SLD will likely not provide the student FAPE. To provide the student with FAPE, the IEP must be reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. In this case, a district's use of repetitive, unsuccessful reading programs for a student with dyslexia did not meet the student's particular needs, particularly because they failed to target critical areas, including phonological awareness.

Summary: A Missouri district's failure to provide an appropriate reading program to an eighth-grader with autism and dyslexia denied him FAPE. Since 2012, the student's IEPs included measurable goals in the areas of reading fluency and comprehension. As of March 2018, the student had not achieved his measurable goals in reading but had made progress. His progress with one program stalled, so the district piecemealed other programs. The parent filed

a due process complaint alleging that the district had denied the student FAPE by failing to provide a structured multisensory program that would enable the student to improve his reading. The IHO explained that an IEP must be reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. Reviewing the record, the IHO found that the student's period of greatest improvement corresponded with the implementation of a structured language program, the Barton System, at home. Once the district began implementing the program in school, the student plateaued, the IHO noted. The district then replaced the program with a class that implemented aspects of complete programs with informal systems that lacked training in phonological awareness. The IHO found that the student's most recent IEP and the "reading strategies" class the district implemented did not differ significantly from previously unsuccessful strategies employed by the district. The IHO stated that it did not have confidence in the district's ability to address those areas of need and found that at no point did the district implement a program specifically targeting phonological awareness — a critical area of need for student. The IHO determined that the student was denied FAPE and ordered the district to implement the Spire program, a particular method to improve single-word reading, into the student's curriculum immediately with a teacher who is able to successfully implement the program. ■