



## You Asked!

**Q11: I am a teacher and suspect one of my students may be displaying signs of dyslexia. What should I do? Is it okay to alert the parents as to my concerns?**

**A:** Teachers see student performance in the educational environment directly. You are a critical source of information to parents and the special education team, who depend on your expertise and experience. It is important to understand that early identification and appropriate intervention with students who show the warning signs of dyslexia are essential for better outcomes later on. If you have any reason at all to suspect that a student may have a disability that may be interfering with learning (not simply “academics”), you are legally obligated to refer the student for evaluation under the “Child Find” obligation of the special education law ([\(20 U.S.C. § 1412\(a\)\(3\)\(A\); 34 C.F.R. § 300.111\(a\); Ed. Code, §§ 56171, 56300 et seq.\)](#)). Child Find does not prevent you from discussing your concerns with a parent—in general, such discussions are a regular part of a teacher’s job. The parent also has the right to make a referral for special education assessment. However, Child Find is not based on action or inaction of a parent- once an educator has a reason to suspect that a child may have a disability, your legal obligation is triggered to refer the student for assessment, at which point the special education team should provide the parents with an assessment plan for consent to assess. Getting a decision in writing allows parents to use their rights under the law—including the right to refuse evaluation, or the right to challenge the district’s refusal.

Be aware that the threshold for suspecting that a child has a disability and referring for evaluation is relatively low. The question is whether the child should be referred for an evaluation, not whether the child actually qualifies for services. After all, we can’t know the answer to that question until we have assessment data. The student should not have to fail a course or be retained in a grade in order to be considered for assessment. The fact that a student is making adequate educational progress is not a valid reason not to assess.

"Child find" duty requires children to be identified and evaluated "within a reasonable time after school officials are on notice of behavior that is likely to indicate a disability". A state or LEA "shall be deemed to have knowledge that a child is a child with a disability if [among other things] ... the behavior or performance of the child demonstrates the need for such services".

**(Source: [Department of Education State of Hawaii v. Cari Rae S., 2001, 158 F. Supp. 2d 1190; 71 Fed. Reg. 46580 \(Aug. 14, 2006\)](#))**

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