

# Dyslexia and Section 504 Evaluation and Eligibility

## Dyslexia

### Overview

Dyslexia is a specific learning disability. See [International Dyslexia Association \(2002\)](#). Tennessee's adopted definition of specific learning disability includes dyslexia. See [Rules of the State Board of Education Chapter 0520-01-09-.03\(13\)\(a\)](#). Dyslexia is a learning disability that affects an individual's reading and spelling skills at the word level. Individuals with dyslexia manifest along a spectrum, with some being affected in only minor ways and others experiencing significant impairments when it comes to acquiring the ability to recognize and spell words and read with automaticity and fluency.

Some students with dyslexia will require little to no support to access grade-level core content and close skills gaps, while others will require specially designed instruction through special education and related services offered under the Individuals with Disabilities Education Act (IDEA). Some students may not require specially designed instruction but may require accommodations, modifications, or related services offered through Section 504 to ensure equal access to education.

### Section 504 Plan

#### Overview

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a broad civil rights law that prohibits discrimination based on disability in programs and activities that receive federal financial assistance. To be protected under Section 504, a student must 1) have a mental or physical impairment that substantially limits one or more major life activities, 2) have a record of such an impairment, or 3) be regarded as having such an impairment. See Section 504 regulations at 34 C.F.R. 104.3(j)(1).

Section 504 guarantees that a student with a disability has access to an education comparable to the education provided to a student without a disability. For some students who have a mental or physical impairment that substantially limits one or more major life activities (criteria 1 above), this may require the development of a Section 504 plan. A Section 504 plan guarantees equal access to education and allows for certain accommodations or modifications.

If a student is suspected of having a disability that substantially limits one or more major life activities, a parent, teacher, or other staff member may refer the student for an evaluation. If necessary, a Section 504 team will evaluate the student to determine if the student has a disability and needs special education or related services as a result of that disability. See Section 504 regulations at 34 C.F.R. 104.35(a).

## Dyslexia and Section 504

### Overview

Students can have a Section 504 plan for dyslexia, as this would be a mental impairment that could substantially limit one or more major life activities (e.g., reading, spelling, learning). When a student has a Section 504 plan for dyslexia, the Section 504 plan may provide classroom-based and testing accommodations designed to support the student's access to grade-level content and standards.

When a student is referred for a Section 504 plan, school personnel must perform an evaluation if the school has "reason to believe the student has a disability and the student needs special education or related services as a result of that disability." See [34 C.F.R. § 104.35\(a\)](#). While schools must have standards and procedures to evaluate students who may have a disability and need special education or related services, evaluations should be individualized. In determining a student's needs, teams should consider data from various sources, including attendance records, parent information, grade reports, aptitude and achievement tests, teacher recommendations, the student's physical condition, English Learner status, and adaptive behavior.

Screening for characteristics of dyslexia, as referenced in T.C.A. § 49-1-229, by itself does not constitute a Section 504 evaluation. Furthermore, students whose screening results identify them as having characteristics of dyslexia do not automatically qualify for a Section 504 plan.

See the department [guidance document on Section 504 Evaluations](#) for detailed information on Section 504 evaluation procedures and requirements.

### Scenarios for Eligibility\*

**Student A** has been referred for a special education evaluation for the suspected disability of a specific learning disability in basic reading and/or reading fluency (dyslexia). The pre-referral team agrees an evaluation is warranted, and the Individualized Education Plan (IEP) team completes one under Individuals with Disabilities Education Act (IDEA) requirements. The IEP team agrees that the student has the disability for which he was referred, which is the first prong of IDEA's two-prong eligibility. The IEP team determines, however, that the student's disability does not have an adverse impact on the child's education to the point where special education direct and/or related services are required. While the IEP team determines the student does not meet eligibility under IDEA, the Section 504 team agrees that the child's identified disability warrants accommodations in classroom and/or testing settings. The child is provided with a Section 504 Plan for a learning disability, in this case dyslexia. All decisions are documented.

**Student B** has an outside evaluation indicating the student has a learning disability in line with dyslexia or has dyslexia. The Section 504 team convenes to consider the evaluation. The evaluation is comprehensive and resembles the evaluation the school would perform, including a variety of assessment data across standardized and informal testing measures. Assessments may include both norm-referenced and criterion-referenced measures. The Section 504 team determines that the outside evaluation, along with school-based data, such as teacher observation and screening and progress monitoring data, is sufficient to determine that the student meets criteria under Section 504 for a plan. All decisions are documented.

**Student C** has a doctor’s note stating the child has been diagnosed with dyslexia, and the parent/guardian requests a Section 504 plan. The Section 504 team evaluating the student understands that dyslexia is not a medical diagnosis. The Section 504 team considers the doctor’s note as one piece of data but determines to complete an evaluation within the school system. The Section 504 team defines the assessment plan, which includes the collection of data from both standardized and informal testing measures. Assessments may include both norm-referenced and criterion-referenced measures. After completion of the evaluation, the Section 504 team agrees that the student’s impairment, in this case, a learning disability (dyslexia), qualifies the student for a Section 504 plan. All decisions are documented.

**Student D**, like student C, has a doctor’s note stating the child has been diagnosed with dyslexia, and the parent/guardian has requested a Section 504 plan. The Section 504 team understands that dyslexia is not a medical diagnosis. The team considers the doctor’s note as one piece of data but determines to complete an evaluation within the school system. The parent/guardian declines an evaluation and instead insists the child be made eligible based on the doctor’s note. The team, therefore, denies eligibility and a Section 504 plan. This decision is documented and provided to the parent or guardian. It is important to note, in this case, the Section 504 team can also pursue due process under Section 504 if they believe the student needs special education or related services, despite parent refusal of the proposed Section 504 evaluation.

**Student E** has been identified with characteristics of dyslexia according to screening requirements outlined in T.C.A. § 49-1-229. Due to teacher and parent concern regarding classroom support and access, the Section 504 team convenes to determine if an evaluation is warranted. The pre-referral team understands that screening for characteristics of dyslexia is not the same as an evaluation and that more information is needed to make a decision. The team can determine if an evaluation for special education is necessary or if the team will evaluate just for eligibility under Section 504. If evaluation is determined to be warranted, the appropriate school team will complete the evaluation and eligibility determination processes.

**Student F**’s parent/guardian requests an evaluation for Section 504 due to student struggles outside of school. The Section 504 team agrees to evaluate, even though teachers do not report academic struggle within the school day. The team understands that Section 504 protections extend beyond the classroom. After an evaluation, the Section 504 team determines the child is eligible for a Section 504 plan for dyslexia and requires accommodations such as extended time for homework and audio versions of textbooks. At this time, teacher scaffolding supports the child within the school day and no accommodations for classroom instruction or testing are determined necessary.

**Student G** is an average to above average performing student. The parent/guardian requests an evaluation for Section 504 due to the level of student effort to maintain average performance. The pre-referral team agrees to evaluate in response to parent request. Evidence from the parent, such as record of additional tutoring and academic support outside of the school day, is collected as part of the evaluation in determining if the student is eligible for protections through a Section 504 plan.

\*These scenarios are not an exhaustive representation of how a student with dyslexia might qualify for a Section 504 plan. Teams should ensure their evaluation procedures are thorough enough to make appropriate determinations based on student need. Reference TDOE’s document “[Section 504 Evaluations](#)” for more information on evaluation requirements.