**METHODOLOGY ON THE IEP**

**The IEP Must Specify the Methodology "to be" provided,**

**not that a methodology must be developed.**

**The regulations make clear that the methodology must be good enough so that the child can advance toward attaining the annual goals and to progress in the general curriculum.**

**The IEP must include a statement of the special education to be provided (300.347(a)(3)), and special education is defined to include "content, methodology or delivery of instruction." (300.26(a)(3)).**

Yes, a specific methodology can be included in an IEP goal section if it is necessary for the student to make progress, and should be specified if a particular teaching approach is crucial for achieving the goal; however, the focus should always remain on the measurable outcome, not just the teaching method itself.

# R.E.B. v. Hawaii Department of Education (9th Cir. 2017)

 **\*\*Strong Language Requiring Methodology on the IEP**

**Takeaways: Schools MUST provide programs that actually address dyslexia, not just 'extra help.'**

**Ultimately, the Ninth Circuit held that when a particular methodology plays a “critical role” in the student’s educational plan, “it must be specified in the student’s IEP”.**

Key points to remember:

* **When to include methodology:**

If a specific teaching strategy or approach is essential for the student to learn a skill, i.e. “learning to read”.

Methodology in an Individualized Education Program (IEP) refers to the specific instructional strategies and techniques used to help a student achieve their IEP goals. Methodology is based on research and best practices for students with disabilities.

Explanation

* **What is an IEP?**

An IEP is a written document that outlines the special education services and instruction a student with a disability needs.

* **What is specially designed instruction (SDI)?**

SDI is instruction that is tailored to a student's IEP goals and accounts for their disability.

* **How does methodology help students with disabilities?**

Methodology can help students with disabilities by providing modifications to content, encouraging access to the general education curriculum, and helping them acquire the knowledge and skills they need.

For example, if a student's disability impacts their reading comprehension, a teacher might use graphic organizers to help them organize their thoughts and summarize what they have read.

Yes, Orton-Gillingham is considered a methodology, not a specific program, while Wilson Reading is a structured literacy program based on the principles of Orton-Gillingham, meaning it is a specific implementation of the Orton-Gillingham methodology; essentially, Wilson Reading is a program that uses the Orton-Gillingham approach as its foundation, laying out a systematic presentation for teachers to follow with fidelity.

Key points to remember:

* **Orton-Gillingham as a methodology:**

It refers to a teaching approach that emphasizes explicit, systematic, cumulative, and multisensory instruction for reading and spelling, focusing on the connection between letters and sounds; it can be adapted to different materials and teaching styles.

* **Wilson Reading as a program:**

It is a structured literacy program designed to teach reading skills based on Orton-Gillingham principles, providing a specific curriculum and materials to follow, making it easier for reading instructors to follow ensuring accuracy and deliverance of the program with fidelity.

\*\*\*\*\*\*\****Yes, a specialized reading program designed for dyslexia can absolutely be included as part of a student’s IEP (Individualized Education Program), as dyslexia is considered a specific learning disability and therefore qualifies for tailored educational support within his IEP.***

Key points about including a dyslexia reading program in an IEP:

* **Specific goals:**

The IEP should clearly outline specific reading goals related to the student's dyslexia challenges, such as improving phonemic awareness, decoding skills, fluency, or comprehension.

* **Evidence-based approach:**

The chosen reading program should be based on research and proven effective for students with dyslexia, like the Orton-Gillingham approach.

* **Individualized instruction:**

The “program” should be tailored to the student's specific needs and learning style.

* **Collaboration with specialists:**

The IEP team, including teachers, specialists, and parents, should collaborate to determine the most appropriate reading program and delivery method.

\*\*\*\*\*\*Yes, a specific reading program designed for dyslexia can **absolutely be included** as part of an Individualized Education Program (IEP) for a student diagnosed with dyslexia; this is considered a necessary and appropriate accommodation to address their unique learning needs.

Key points to remember:

* **Evidence-based programs:**

The IEP should specify a reading program that is research-proven effective for dyslexia, such as Orton-Gillingham based programs like "All About Reading" or "The Barton Reading & Spelling System."

* **Individualized approach:**

While a specific program is outlined, the IEP should detail how the program will be adapted to the student's specific needs and learning style.

* **Collaboration with specialists:**

The IEP team, including teachers, specialists, and parents, should collaborate to select the best reading program for the student and monitor their progress.

If a Particular Methodology Plays a Critical Role in a Student’s Special education Program, IT MUST BE SPECIFIED IN THE IEP AND DELIVERED WITH CONSISTENCY. Ultimately, the Ninth Circuit Court of Appeals held that when a particular methodology plays a “critical role” in a student’s educational plan, it MUST be specified on the IEP.

September 13th, 2017 R.E.B. v. State of Hawaii Department of Education

(9th Cir. 2017) 870 F.3d 1025

**IF THE SCHOOL DISTRICT REFUSES EVIDENCE-BASED APPROACH AND INSISTS ON ANOTHER APPROACH**…

The MUST provide the parents with a PWN (Prior Written Notice) explaining WHY they insist on that approach and are refusing your proposal and recommendations from professionals. That notice MUST explain, in writing, every evaluation, test, record or report that the school uses to justify their position.

If the school says “We don’t have anyone to evaluate or use the approach you are requesting,” then point out that they have a **Comprehensive System of Personnel Development (CSPD)**

**1. Individuals with Disabilities Education Act (IDEA) – CSPD Requirements**

Under IDEA, every state must have a **State Performance Plan (SPP)** and a **Comprehensive System of Personnel Development (CSPD)** to ensure that:

* There is an adequate supply of qualified personnel.
* Teachers and related service providers are appropriately and adequately prepared and trained.
* Professional development is ongoing and designed to enable personnel to work with children with disabilities.

**How this applies to dyslexia:**

* Although dyslexia is not explicitly named in IDEA, it is recognized under the umbrella of **Specific Learning Disability (SLD)**.
* The CSPD must include training in **evidence-based instructional practices** for SLD, including dyslexia.
* Schools are expected to provide professional development to help teachers implement these interventions **with fidelity**.

**2. Evidence-Based Interventions Requirement**

IDEA requires that special education and related services be:

* Based on **peer-reviewed research to the extent practicable**.
* Delivered by qualified personnel.

**Implication:**

* School districts must train educators in **evidence-based dyslexia interventions** (such as Orton-Gillingham, Wilson, etc.) and ensure they implement them as intended (i.e., with fidelity).
* Teachers must be trained not only in theory but also in **practical application and progress monitoring**.

**3. State-Level Laws and Dyslexia-Specific Legislation**

Many states have specific **dyslexia laws** that go beyond IDEA. These often require:

* **Mandatory teacher training** in recognizing and addressing dyslexia.
* Use of **state-approved, evidence-based intervention programs**.
* Fidelity checks and reporting.

Some states require:

* A **dyslexia specialist** in each district.
* Tiered intervention supports (MTSS/RTI models).
* Documentation of training and implementation fidelity.

You’ll want to check your **state’s Department of Education** website for specifics.

**4. Professional Standards and Accountability**

Under **ESSA (Every Student Succeeds Act)** and IDEA, states must:

* Set standards for personnel qualifications.
* Monitor districts for compliance.
* Address deficiencies in training or implementation through **Corrective Action Plans**.

**In Summary – Legal Duties of Districts Include:**

* Ensuring teachers receive **initial and ongoing professional development** in evidence-based dyslexia interventions.
* Monitoring that interventions are delivered **with fidelity** (as designed).
* Aligning their training and practices with state CSPD and SPP plans.
* Complying with any **state-specific dyslexia laws** or regulations.
* Using only **qualified personnel** to deliver interventions.