

## **Legislative Testimony in Support of SB44**

Senate Education Committee

February 7, 2013

By

Jeanine Phillips, MS-Ed, C.A.L.T., Q.I. for ALTA

### **There is Such Resistance to “Do the Right Thing” in Our Schools!**

An e-mail I received on Friday:

***"SB 44 -- This would require districts to provide services to students with dyslexia upon notice from a health care provider that the service is needed. This could lead to an increase in costs as the district would have to pay for these services even though the diagnosis was not determined by the district. This mandate also exceeds federal law. Dr. Anderson has prepared testimony that was shared with our legislators stating our opposition to this bill."***

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Honorable Dr. Steve Abrams, and Members of the Committee:

My name is Jeanine Phillips. I am Executive Director and Co-founder of a not-for-profit literacy institute, Fundamental Learning Center, located in Wichita, Kansas. This is my 22nd trip to Topeka to talk about dyslexia since 1991. It is my honor and privilege to once again offer testimony regarding dyslexia, and specific testimony regarding SB44, opening the door for appropriate services for thousands of children in Kansas who struggle to learn to read, write and spell because they were born with dyslexia. I speak as a specialist in the educational area of the exceptionality, dyslexia, as a result of living and learning despite my personal dyslexia, having raised two sons with dyslexia, one mildly affected, one profound, having driven to Dallas, Texas for six years to complete my Certified Academic Language Therapist education and then my Qualified Instructor for the Academic Language Therapist Association, and having worked personally with over 100 children with dyslexia, teaching them to read, write and spell in private, public and parochial schools. I have spent the last 22 years of my life studying and promoting dyslexia research, listening to the experts in the field of dyslexia, operating 3 separate organizations for the purpose of educating teachers and parents about dyslexia, and advocating for children with dyslexia, all because the Director of Special Education in 1992 said to me, "Everyone knows the diagnosis of dyslexia is a myth." From that day forth, dyslexia has been my "personal mission."

I am here today once again to “red flag” the resistance within the Kansas State Department of Education jurisdiction to provide services for children with dyslexia. For the 22 years that I have been involved with advocating for children with dyslexia, Kansas has adopted the “mantra” that dyslexia is a medical condition and therefore shirked responsibility for identifying and serving children with dyslexia. Furthermore, on the flip side of the coin, I have heard countless stories of districts refusing IEP or 504 Plan services, even when a parent has pursued and paid for an independent medical evaluation of dyslexia.

Once again, I’m asking the Senate Educational Committee to “Do the Right Thing,” for the sake of our children.

What is dyslexia? It is an inherited neurobiological based difference in the language processing areas of the brain, and it is not related to “the eyes seeing letters or words backwards,” as is the definition most people associate to dyslexia.

**Definition:** The International Dyslexia Association defines dyslexia as *“a specific learning disability that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.”* Adopted by the IDA Board of Directors in 2002, is also used by the National Institute of Child Health and Human Development (NICHD).

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 04), Public Law 108-446 provides for the identification, assessment and appropriate instruction of children with disabilities, including those with specific learning disabilities. ...***The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.***

Current research related to dyslexia is prolific, the most meaningful studies garnered by the National Institute of Child Health and Human Development (NICHD). Research states: ***dyslexia affects almost as many females as males, is not related to race, intelligence, social status or other environmental factors, it is influenced by genetics, heritability, and familial circumstances, 15-20% of the U.S. population academically struggle to learn to read as a result of dyslexia, it may coexist with other learning disabilities, i.e. ADHD, individuals do not out-grow dyslexia, it is not curable, and there is a tremendous negative impact on the non-remediated individual with dyslexia in school, in the workforce, and in life.***

Dyslexia remedial research at NICHD reflects that ***early intervention using research-based reading instruction, delivered by highly prepared literacy***

*(reading, writing, & spelling) instructors, with intensity (90 minutes, 5 days per week, in a group 1-1 to 1-4), over a duration of time (1-3 years), in adequately prepared environments "is essential in ameliorating the lifelong effects of dyslexia."*

With this, once again stated and introduced into testimony, I want to address Section 1. (b) The state board of education shall adopt rules and regulations: **(3) to require that teachers successfully complete teacher preparation courses that include the language essentials for teachers of reading and spelling curriculum or other appropriate intensive multisensory teacher training programs that are specifically designed for children with dyslexia and knowledge of best practices of instruction for children with dyslexia, including scientifically-based reading instructional components.**

First of all, how many children are we talking about who struggle to learn to read? The National Assessment of Academic Progress (NAEP) 2011, Grade 4 scores report the following statistics:

68% of the population reads below proficiency.  
**59% White** population reads below proficiency.  
**82% Black** population reads below proficiency.  
**83% Hispanic** population reads below proficiency.  
(Kansas 4<sup>th</sup> graders, 2011)

Lots of children in Kansas are struggling to learn to read. Of the 68% reading below proficiency, how many of these children are dyslexic? Somewhere between 67,500 and 90,000 children (15-20%). Either figure -That's a lot of children!

How many are identified and served through Special Education? Approximately 3%. How many left unrecognized or identified in the classroom? Tens of thousands!

Quality teachers are the single greatest determinant of student achievement, especially for children with dyslexia. Despite testimony to the contrary, most teacher pre-service and in-service opportunities do not include informing teachers about dyslexia, how to identify it, talk to families or guardians, or teach to a child with dyslexia's strengths and weaknesses.

**"Whether we're thinking about the individual who serves the child with dyslexia, remediates the child, the specialist in a clinic setting or the general education teacher, they have not been prepared to deliver instruction in the way that we're talking about." (Explicit, systematic, structured, sequential, phonological and phonics based, intensively (90 minutes) over the course of an appropriate amount of time.) (Nancy Hennessy, Children of the Code Interview, [www.childrenofthecode.org](http://www.childrenofthecode.org))**

**SB44 Solution: 1.(b) (3)**

**Research related to teacher literacy training for children with dyslexia is scientific, concise, organized, and provides the following facts:**

- **All educators must be taught to recognize the characteristics of dyslexia AND use the term “dyslexia” with a parent or guardian.**
- **Many children are not identified for special education during the early years because they are “too smart” and/or need to be given a chance to “mature.” So oftentimes children hit the reading failure wall later (3<sup>rd</sup> grade). Some label this as the “wait to fail” model or “3<sup>rd</sup> grade slump”. This must be redesigned to catch dyslexia earlier. But we can’t do that if we don’t teach teachers to recognize the characteristics.**
- **The learning environment must provide a child with dyslexia access to a unique curriculum that provides literacy intervention in small or individualized groups AND courses that develop the visual-spatial talents that characterize dyslexia.**

We know exactly what to do. We know when to provide the education. We know what to use and we know how to identify dyslexia or at-risk signs for dyslexia at a young age. However if we don’t change what we are doing, and change it quickly, children with dyslexia will be “caught in the 3<sup>rd</sup> grade retention net” in exorbitant numbers.

We don’t have time to waste. And we can no longer accept the many excuses that I have heard for the past 22 years.

***“What is so exciting about our new level of understanding dyslexia is that it explains reading and reading difficulties for all ages and at all levels of education. By identifying the primary or core cognitive weakness responsible for dyslexia, scientists now understand how children acquire the ability to read and why some do not. The model of dyslexia that has emerged can be applied to understanding and treating reading difficulties in children just entering school and in children enrolled in primary and middle grades, as well as in young adults attending high school, college, or even in graduate or professional school.”*** (Sally Shaywitz, M.D., Professor of Pediatrics at the Yale University School of Medicine and co-director of the Yale Center for the Study of Learning and Attention. A member of the National Reading Panel and the Institute of Medicine of the Academy of Sciences.)

Respectfully submitted for testimony, February 7, 2013

Jeanine Phillips

## Testimony in Support of SB44

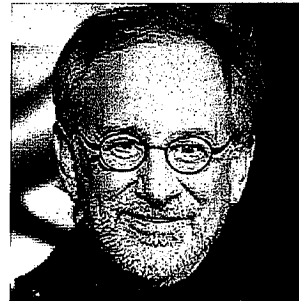
Offered by Jeanine Phillips-2-7-13

- ⊗ **There is such resistance to “Do the Right Thing” in our (Kansas) educational system.**
- ⊗ **“SB 44 -- This would require districts to provide services to students with dyslexia upon notice from a health care provider that the service is needed. This could lead to an increase in costs as the district would have to pay for these services even though the diagnosis was not determined by the district. This mandate also exceeds federal law. Dr. Anderson has prepared testimony that was shared with our legislators stating our opposition to this bill.” (Don Adkisson, Director of Finance, Derby Public Schools)**

## Dyslexic Like Me

**“I felt like an alien. I always felt like I never belonged to any group that I wanted to belong to.”**

**-Steven Spielberg**



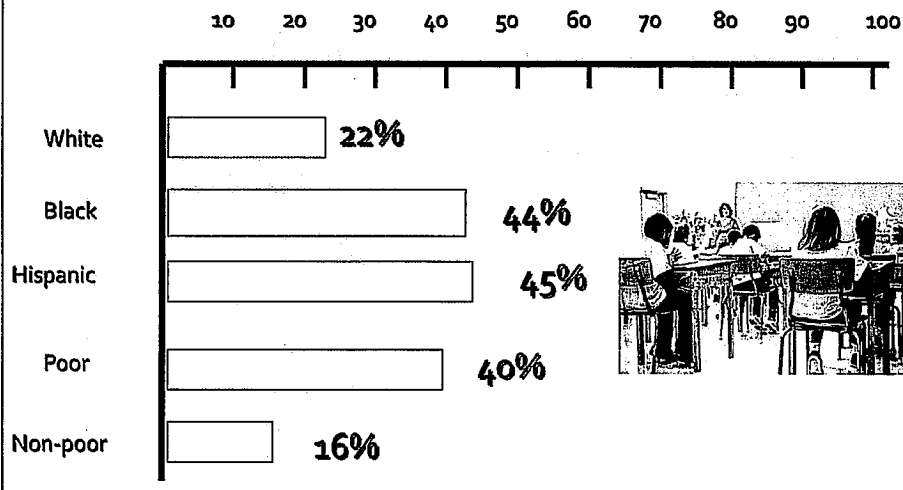
"No other skill taught in school and learned by school children is more important than reading. It is the gateway to all other knowledge. Teaching students to read by the end of third grade is the single most important task assigned to elementary schools. Those who learn to read with ease in the early grades have a foundation on which to build new knowledge. Those who do not are doomed to repeated cycles of frustration and failure." - American Federation of Teachers

## FACE IT.

"Reading is absolutely fundamental. It's almost trite to say that. But in our society, the inability to be fluent consigns children to failure in school and consigns adults to the lowest strata of job and life opportunities." - Dr. Grover Whitehurst, Assistant Secretary, U.S. Department of Education - Director, Institute of Education Sciences (Children of the Code interviews)

### Kansas 2011 results from NAEP Progress 4<sup>th</sup> Grade – • *Below Basic Percentages*

- No definition for Below Basic
- Basic is defined as—This level denotes partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.



This is what today is all about!



Sept., 2003 – 6 years old  
64% - phonological awareness, didn't pass 1<sup>st</sup> grade reading assessment.  
Interviewer's comments: She chatted easily. When asked her phone number she said, "no, but if only I had my suitcase I would know." When asked about the thing she wonders about most: "when I grow up whether it will be hard or easy."



Aug. 2012 – 15 years old - sophomore  
80% - phonological awareness, didn't pass 2<sup>nd</sup> grade reading assessment.  
Interviewer's comments: When asked about the thing she wonders about the most: "when a teacher calls on someone – why do I get a panic attack, my heart beats, I stutter in my mind?" When asked what is special about you, "A big heart." What is hard about school: "Everything."

The winter where sharing and hibernating  
was for days and they had the  
mammoth trouting up the hill in  
and they rest up the hill and  
corner the mountain and began  
throwing these spears at him.



When kids are hesitant, disfluent, inaccurate, slow and labored in reading, that is very visible to their peers and remember the peers, the other kids, again look at reading as a proxy for intelligence. It doesn't matter if this kid is already a genius and can do algebra in the second grade, reading produces particular perceptions. Better said, lousy reading produces a perception of stupidity and dumbness to peers and clearly to the youngster who is struggling. That is the shame. There are very visible differences between kids who are doing well with print and youngsters who are struggling with print. They feel like they're failures; they tell us (researchers) that. Dr. Reid Lyon – interview on Children of the Code.

**“Quality Teachers are the single greatest determinant of student achievement.”** (Gentry,

2007; Kaplan & Owings, 2002; Salinas & Kristsonis, 2006; Strong & Hindman, 2008)

☉ **A Manifesto “Dyslexia: We must FACE IT”**

- ☉ All educators must be taught to recognize the characteristics of dyslexia AND use the term “dyslexia” with a parent or guardian.
  - ☉ SB 44
    - ☉ Establish best practices of instruction in general education, for children with dyslexia, including, but not limited to, implementation of a section 504 accommodation plan.
    - ☉ Provide literacy services under the Response to Intervention model OR Special Education Services.
    - ☉ Individual or small group daily 90 minute sessions, outside of the regular classroom
    - ☉ Small groups taught by highly qualified instructors using best practices for children with dyslexia.



## Highly Qualified Instructors

- ⊗ Successfully complete teacher preparation courses, (classes, pre-service and in-service) that include the language essentials for teachers of reading and spelling curriculum, or other appropriate intensive multisensory teacher training programs that are specifically designed for children with dyslexia, and knowledge of best practices of instruction for children with dyslexia, including scientifically-based reading instructional.
- ⊗ **Bottom Line** – the educators must know the characteristics and behaviors as well as what to recommend to parents if we are going to begin to help the 67,000 – 90,000 children in Kansas trying to learn despite dyslexia.



*“The bottom line is for a country like America to be leaving behind about thirty-eight to forty percent of its youngsters in terms of not learning to read is unconscionable.”* (Children of the Code interview with Dr. Reid Lyon, the past Chief of the Child Development and Behavior Branch within National Institute of Child Health and Human development (NICHD) at the National Institutes of Health (NIH))

## Dyslexic Like Me

“Be courageous. ...Be brave as your fathers before you. Have faith! Go forward!”

**-Thomas A. Edison**



To Whom It May Concern:

I am writing this note out of frustration concerning my granddaughter Adrianna's struggles in school. I am not an expert but at the age of six, when she started to read, I knew we had a problem. Adrianna was a very bright child, so I was confused as to why she was having such trouble decoding words, writing and comprehending what she read. I immediately suspected dyslexia; her father and paternal grandfather are both dyslexic.

It was at this time that I took her to Fundamental Learning Center. The outcome was a low phonological awareness score. Adrianna did not pass the First grade reading assessment. My suspicions now confirmed, I took this information back to her school in Goddard and asked for their help. Still nothing happened, I decided it was time to hire a tutor and to talk to the Principal. Her first IEP was put in place during this time.

Adrianna has lived with me off and on during her fifteen years of life. She has attended USD 259, Derby, Haysville and now USD 259 again. I thought that with the IEP in place, all was well and that she was getting everything she needed. I didn't realize that she needed a different type of intervention to teach her to read.

The lack of proper instruction has prevented Adrie from being able to keep up with reading and writing assignments. It also explains why she will try her very hardest to complete her assignments yet fail to turn them in.

I cannot describe the sadness that I feel for her and her struggles in school. How can you explain to a child why no one has helped? Not one Administrator or Teacher has recognized her inabilities in literacy and offered to do anything to give her the proper tools that are necessary to make it better and easier for her.

Adrianna started school at West High on August 15<sup>th</sup>. She has not received any SPED services regarding her IEP. My concern for her needs brought me back to FLC at the end of August. An assessment determined that she had not made significant measurable gains.

She is now so very frustrated, embarrassed and miserable. Her anxiety causes severe dread of school each and every day. I would like Adrianna to receive intervention services before its too late. I would also like for her to be able to make up for lost credits in all required courses in an appropriate setting.

I want Adrianna to succeed and to have the self confidence that she needs to be a successful adult.

Thank you,

Debbie Worsham

