

# READ Plans and Students with Disabilities: A Guidance Document

The READ Plan is a general education plan that includes tiered instruction/intervention to be provided within a student's general education program. Under the federal Individuals with Disabilities Education Act (IDEA), which is incorporated into Colorado's Exceptional Children's Education Act (ECEA), an Individualized Education Program (IEP) is a statement of the student's **special education and related services** [34 CFR 300.320; ECEA Rule 4.03]. Importantly, notwithstanding the statement in C.R.S. 22-7-1206(3), *quoted below*, nothing in the READ Act makes students with disabilities exempt from or otherwise not entitled to the benefits of the READ Act.

The Colorado READ Act (HB12-1238) requires that a READ Plan must be developed for all students in grades K-3 who are determined to have a Significant Reading Deficiency (SRD). For more information, including an example of a READ Plan template, visit the READ Act webpage:

<http://www.cde.state.co.us/coloradoliteracy/ReadAct/index.asp>

With respect for students with disabilities, the READ Act provides as follows:

***... if a student is identified as having a disability that impacts the student's progress in developing reading skills, the local education provider shall, as appropriate, integrate into the student's individualized education program... intervention instruction and strategies to address the student's reading issues in lieu of a read plan.*** C.R.S. § 22-7-1206(3) (*emphasis added*).

This document addresses the following tenets when a student with a disability has been determined\* to have a Significant Reading Deficiency:

- (1) Considerations when determining the meaning of “as appropriate” in the Colorado READ Act (HB12-1238) for the integration of IEP with a READ plan; and
- (2) Cautions and recommendations regarding the development of a READ Plan for an eligible student with a disability that impacts his/her reading achievement.

*\* Screening and interim assessment tools are utilized to determine an SRD. For some students with disabilities, these tools cannot be used in a valid and reliable manner and, as such, an SRD cannot be determined based on READ Act identification requirements. Further CDE guidance will be highlighted in another document specific to this population of students.*

The READ Act provides an important opportunity to address the reading instruction needs of all K-3<sup>rd</sup> grade students who are found to have an SRD. Some students with an SRD will ultimately be found to have an eligible disability, some students will have an already identified eligible disability, and some students have not had the opportunity to receive research-based reading instruction in general education.

A series of scenarios follows, detailing some of the considerations that the team will want to review to determine whether a student with an eligible disability should have both a READ Plan and an IEP or if the required components of the READ Plan can be implemented via the student's IEP in lieu of a READ Plan.<sup>1</sup> The scenarios detail certain eligibility categories, but caution should be taken not to over-generalize the examples to

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<sup>1</sup> Some administrative units (AUs) or school districts may elect to consistently keep READ Plans and IEPs separate, as a matter of policy. Building administrators and team members should consult with their special education coordinators or directors to ensure their actions are aligned with the policy in their AU/district.

that selected disability. The intention is to highlight the variables that a team should review to determine the plan that will be used specific to the READ Act's required components. The term *team* in this document is defined to include parents and general education and special education personnel working with the student.

**Scenario 1: A student's disability results in services being delivered solely by a special education teacher in a self-contained classroom.**

A district and the student's team of providers may choose to integrate the two plans into the IEP in lieu of a separate READ Plan, as all services are being provided by the special education teacher.

Specific Example: Timothy, a deaf student, is enrolled in a center-based program for deaf/Deaf students in the third grade. Timothy uses American Sign Language (ASL) as his primary communication mode. As a result of evaluation procedures, Timothy has been determined to have an SRD. Ms. Herrera, a certified teacher of the deaf (ToD) is Timothy's third grade teacher in the center-based program. Ms. Herrera is a fluent signer and is the sole provider for all content areas in the self-contained classroom because Timothy's access needs and language delays dictate the need for significant sign support from a ToD. At Timothy's annual IEP meeting, the team developed an IEP that addressed all the components of a READ Plan. The IEP team reached agreement that the IEP can be used in place of a separate READ Plan, but team members want to insure that Timothy will receive full benefit of the literacy expertise in the building. It is recognized that Ms. Herrera has considerable expertise in language development, but she may not have comparable skill in teaching reading and writing. A strategy for enhancing Ms. Herrera's instructional skills regarding literacy is documented in Timothy's Communication Plan (a state-mandated attachment to the IEP specific to a deaf/hard-of-hearing student). Ms. Herrera will meet bi-weekly with the third grade general education teacher to collaboratively develop literacy interventions for Timothy and to monitor and discuss his progress.

**Scenario 2: A student is identified with an eligible disability that does not directly impact the student's progress in reading and the student is identified as having an SRD.**

A district may choose to have two separate plans because reading is not the identified area of need by the IEP process. The team would collaborate to ensure that the student is receiving universal and targeted instruction designed to meet his/her reading needs and that this progress is documented in the READ Plan instead of the IEP.

Specific Example: Meribeth is a second grader with low vision who has been identified as having an SRD. The second grade teacher has worked closely with special education staff and is in agreement that identified reading challenges are not the result of Meribeth's visual impairment. As such, the team agrees that a READ Plan will be developed separately from the IEP, but that the READ Plan will link to the IEP to detail the needed accommodations for Meribeth to access print materials. The READ Plan outlines the reading interventions that will be implemented by the general education teacher and details the use of magnification devices.

**Scenario 3: A student is identified as having a Specific Learning Disability (SLD) that impacts the student's progress in developing reading skills and is also identified as having an SRD.**

A district may choose to develop two plans (an IEP and a READ Plan) that complement one another. The team of special educators and general educators would collaborate on the goals and progress monitoring. The collaborative process should address how the universal and targeted instruction/ intervention delivered through general education will align with the specially designed instruction delivered through special education services.

Specific Example: Paul was identified as having a Specific Learning Disability in the area of basic reading skills (phonemic awareness, phonics and decoding) at the end of 2<sup>nd</sup> grade. He has also been identified as having an SRD. Even though Paul's reading difficulty is directly linked to his identified disability, it was determined that he should have a separate READ Plan to ensure he would receive targeted/intensive intervention in accordance with the newly developed READ Plans for all students with SRDs. The READ Plan was developed for Paul through collaboration with the special education teacher, the general education teacher and the parents. Through the READ Plan, Paul receives intervention as part of a group of five students from a reading interventionist during the last 30 minutes of the regular 90-minute literacy block – thus providing additional reinforcement, repetition and re-teaching of the basic skills through explicit and systemic instruction. Later in the day, the special education teacher works with Paul and one other student with an IEP for another 45 minutes (during which all 3<sup>rd</sup> graders are involved in extended learning activities of some kind). The specially designed instruction provided through the IEP allows for an even narrower focus and more intense learning opportunity that targets Paul's unique skill deficits. The IEP, even though containing reading goals similar to those in Paul's READ Plan, also includes the specific special education services provided that are individually designed to target his learning needs and supplement/support general education core and tiered instruction.

***Scenario 4: A student is identified as having a Specific Learning Disability (SLD) that impacts the student's progress in developing reading skills and is also identified as having an SRD.***

A district may choose to only document the plan for addressing skill deficits in the area of reading through the IEP in lieu of a separate READ Plan, assuming the goals and progress monitoring would be very similar. A team of special educators and general educators would collaborate in the development of the IEP. Again, the collaborative process should address how tiered instruction/intervention delivered through general education and the specially-designed instruction delivered through special education services will align (e.g., by increasing time and intensity of focus) to achieve the student's individual goals.

Specific Example: Maria, who attends a different school and district than Paul (in Scenario 3), is very similar to Paul as a struggling reader in that she is also a 3<sup>rd</sup> grader identified as having a Specific Learning Disability in basic reading skills and is identified as having an SRD. Her school was already addressing her reading deficiencies as a result of a collaborative, tiered approach to increasing reading achievement through research-based core instruction and intervention prior to the identification of an SRD. It was determined by the team that there was no need for the separate READ Plan. The IEP goals specifically address the skill deficits reflected in the interim and diagnostic assessment results used to identify an SRD and ongoing collaboration ensures alignment across general and special education in addressing these skill deficits. The classroom teacher is regularly monitoring Maria's reading progress and her assessment data will be reported to the state as required by the READ Act.

***Scenario 5: A student is identified with a Speech or Language Impairment that impacts the student's intelligibility and oral language development. The student is also identified as having an SRD.***

A district may choose to develop two plans (an IEP and a READ Plan) that complement each other. The team would collaborate on the goals and progress monitoring. The collaborative process should address how the universal and targeted instruction/intervention delivered in general education will align with the specially designed instruction delivered through special education.

Specific Example: Andrea was identified with a Speech or Language Impairment that significantly impacts her intelligibility such that she is only understood at the single word level when accompanied with visual supports (when looking at a book, student points to a picture of a dog and says /og/). She is also identified as having an SRD in the areas of phonological awareness, decoding and fluency. The decision was made to have two separate plans, a READ Plan and an IEP, to ensure the targeted reading interventions were provided through tiered

intervention in general education. While the Speech or Language Impairment could have a direct impact on reading, the interventions to address the speech intelligibility are specially designed instruction separate from the targeted reading intervention.

### **Potential Legal Considerations**

As noted above, the READ Act provides that a school district may elect to integrate a student's READ Act interventions into the student's IEP in lieu of a READ Plan. The following are different ways in which districts might implement this statutory provision, and the resulting legal considerations to keep in mind.

**Scenario 1:** The READ Plan is developed and incorporated into the IEP of a student with a disability who is also identified as having an SRD.

- The IEP is not meant to replace a student's general education curriculum or services; rather, it supplements general education and allows the child to access and benefit from general education. Thus, even for a student whose SRD is related to his/her disability, the student is still entitled to general education reading interventions via the READ Act, plus special education and related services to allow the student to access those general education interventions and make meaningful educational progress.
- Placing general education interventions into the IEP means that a school district could be subjected to IDEA dispute resolution procedures and, potentially, to liability under IDEA for services that are not IDEA services.

**Scenario 2:** An administrative unit (AU) determines that a student with a disability is also a student with an SRD, but does not develop a READ Plan at all. Instead, the student's disability-related reading needs are addressed only through special education services reflected within the IEP in lieu of a READ Plan.

- Potential impact to the student's right to be educated in the Least Restrictive Environment (LRE) might occur by reducing the general education services (e.g., targeted or intensive intervention) provided via a READ Plan.
- This action could expose the district to significant liability under federal civil rights laws, particularly Section 504, by denying an "otherwise qualified" student a benefit that other students receive, solely by reason of the student's disability.

AUs must approach each student's general and special education needs on a case-by-case basis, considering the student's individual needs, abilities and circumstances. For questions about how a specific student's READ plan could or should interact with his/her IEP, the AU should consult with its legal counsel.

### **General Considerations & Recommendations**

- Beyond the legal implications of integrating the student's reading "intervention and instruction strategies" into the IEP in lieu of a READ Plan may have unintended consequences, such as a shift in accountability for a student's reading outcomes from general education to special education and/or a student actually receiving less intensive instruction than a non-IEP student with similar reading deficiencies. Collaborative development and implementation of both plans may be more appropriate and effective.
- Specially designed instruction reflected in the IEP should supplement, rather than supplant, the core reading instruction provided to all students which includes interventions provided as part of a layered continuum of

tiered supports. The reading-related goals specified across the two documents may be identical or very similar.

- It is important that the most qualified teacher or reading interventionist, who regardless of licensure has the specific expertise in research-based reading instruction, is providing the reading instruction and intervention in order to meet each student’s learning needs – taking into account both professional expertise in literacy instruction and knowledge of the impact of disability on learning to read.
- Assessment data of all types – interim, diagnostic, and progress monitoring data to measure specific skill attainment in response to intervention and specially-designed instruction – should be shared and reflected as appropriate, within each plan. The responsibility for administration of these assessments should be shared across educator roles rather than replicating similar assessments with the same student.
- The timing of a READ Plan is likely to be different than the annual or triennial IEP date of an eligible student with a disability.
- Specific Learning Disability (SLD) is the largest educational disability category and almost all students with SLD are identified as having significant challenges in one or more areas of reading. The specific types of reading skill deficits – phonemic awareness, phonics, decoding – most commonly exhibited by students with SLD, are also very common to struggling readers in general, especially in the early years. It is not surprising that there would be a significant relationship between the identification of students with SRDs and identification of students with Specific Learning Disability. Three key relationships are described as follows:
  - The effective implementation of READ Plans for students with SRDs in these early years should result in fewer students being misidentified as having Specific Learning Disabilities. The provision of explicit, systematic, research-based core instruction and intervention that directly address the minimum competency skills with which many students are struggling to attain or are lacking, should have the positive impact of actually decreasing the rate of Specific Learning Disability identification.
  - Although SRDs will be identified among individual students from across virtually all disability categories, SRDs would be expected to be particularly prevalent among students already identified as having a Specific Learning Disability because of the high prevalence of reading deficits within this population.
  - Conversely, for a student with a READ Plan already in place but with no identified disability, assessment data collected (i.e., interim, diagnostic, and ongoing progress monitoring data demonstrating the student’s lack of response to research-based intervention) may assist in an appropriate initial determination of a Specific Learning Disability.

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