

**Special Education Eligibility Special Rule: Lack of Instruction
IDEA 2004 Section 614 (b)(5)**

Effective Date: July 1, 2005

A child shall not be determined to be a child with a disability if the determinant factor is

- The lack of appropriate instruction in reading, including the essential component of reading instruction as defined in section 1208(3) of the ESEA of 1965 as follows:
- Phonemic Awareness,
- Phonics,
- Vocabulary Development,
- Reading fluency, including oral reading skills, and
- Reading comprehension strategies.
- Lack of instruction in math
- Limited English Proficiency

The US Department of Education has provided guidance through the Reading First Program regarding the essential component of reading instruction. This guidance is attached and needs to be carefully considered and followed when making decisions regarding special education eligibility for students.

READING FIRST GUIDANCE

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B. COMPONENTS OF EFFECTIVE READING PROGRAMS**B-1. What are the essential components of reading instruction?**

Scientificallly based reading research has identified five essential components of effective reading instruction. To ensure that children learn to read well, explicit and systematic instruction must be provided in these five areas:

1. **Phonemic Awareness** – The ability to hear, identify and manipulate the individual sounds – phonemes – in spoken words. Phonemic awareness is the understanding that the sounds of spoken language work together to make words.
2. **Phonics** – The understanding that there is a predictable relationship between phonemes – the sounds of spoken language – and graphemes – the letters and spellings that represent those sounds in written language. Readers use these relationships to recognize familiar words accurately and automatically and to decode unfamiliar words.
3. **Vocabulary Development** – Development of stored information about the meanings and pronunciation of words necessary for communication. There are four types of vocabulary:
 - Listening vocabulary – the words needed to understand what is heard
 - Speaking vocabulary – the words used when speaking
 - Reading vocabulary – the words needed to understand what is read
 - Writing vocabulary – the words used in writing
4. **Reading fluency, including oral reading skills** – Fluency is the ability to read text accurately and quickly. It provides a bridge between word recognition and comprehension. Fluent readers recognize words and comprehend at the same time.
5. **Reading comprehension strategies** – Strategies for understanding, remembering, and communicating with others about what has been read. Comprehension strategies are sets of steps that purposeful, active readers use to make sense of text.

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