





August 2018

TO: District Superintendents
Superintendents of Public Schools
Public School Administrators
Charter School Administrators
Superintendents of State-Operated and State-Supported Schools
Executive Directors of Approved Private Schools
Nonpublic School Administrators
Directors of Special Education
Directors of Pupil Personnel Services
Chairpersons of Committees on Special Education
Organizations, Parents and Individuals Concerned with Special Education

FROM: Angelica Infante-Green, Deputy Commissioner 
Christopher Suriano, Assistant Commissioner
Office of Special Education 

SUBJECT: Guidance on Chapter 216 of the Laws of 2017: Students with Disabilities
Resulting from Dyslexia, Dysgraphia, and Dyscalculia

All students with disabilities must receive an appropriate education that meets their unique, individual needs in order to meaningfully participate and progress in the general curriculum. To that end, this memorandum serves to inform school districts of new guidance on students with disabilities resulting from dyslexia, dysgraphia, and dyscalculia. Chapter 216 of the Laws of 2017, signed by the Governor in August 2017, amends New York State Education Law to include provisions for the New York State Education Department (NYSED), in cooperation with stakeholders to issue guidance on the unique educational needs of students with dyslexia, dysgraphia, and dyscalculia and to clarify that school districts may reference or use the terms dyslexia, dysgraphia, and dyscalculia in evaluations, eligibility determinations, or in developing an individualized education program under the Individuals with Disabilities Education Act.

Consistent with Chapter 216, a statewide group of stakeholders representing various perspectives and constituencies related to the education of students with dyslexia, dysgraphia, and dyscalculia was convened to advise NYSED on the unique educational needs of such students. Additionally, online surveys related to the education of students with learning disabilities resulting from dyslexia, dysgraphia, and dyscalculia were disseminated statewide to special education administrators, educators and providers, and families. Results of the surveys and input from our stakeholder group informed the development of the following guidance documents related to students with dyslexia, dysgraphia, and dyscalculia: *Meeting the Needs of Students with Dyslexia, Dysgraphia, and Dyscalculia*; *Students with Disabilities Resulting from Dyslexia, Dysgraphia, and Dyscalculia: Questions and Answers*; and *Identification of Students with Learning Disabilities within a Multi-Tiered System of Support*.

Questions regarding this memorandum may be directed to the Special Education Policy Unit at (518) 473-2878 or to speced@nysed.gov

Attachment: Chapter 216 of the Laws of 2017

LAWS OF NEW YORK, 2017

CHAPTER 216

AN ACT to amend the education law, in relation to directing the commissioner of education to issue a guidance memorandum to every school district and board of cooperative educational services to inform them of the unique educational needs of students with dyslexia, dyscalculia, and dysgraphia

Became a law August 21, 2017, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 305 of the education law is amended by adding a new subdivision 56 to read as follows:

56. The commissioner shall issue a guidance memorandum, in cooperation with stakeholders and other interested parties, to every school district and board of cooperative educational services to inform them of the unique educational needs of students with dyslexia, dyscalculia, and dysgraphia and to clarify that school districts may reference or use the terms dyslexia, dyscalculia, and dysgraphia in evaluations, eligibility determinations, or in developing an individualized education program (IEP) under the Individuals with Disabilities Education Act (IDEA) pursuant to part 300 of title 34 of the code of federal regulations, as such regulations may, from time to time, be amended.

§ 2. This act shall take effect immediately; provided, however the guidance memorandum required pursuant to section one of this act shall be issued no later than one year after this act shall have become a law.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOHN J. FLANAGAN
Temporary President of the Senate

CARL E. HEASTIE
Speaker of the Assembly

EXPLANATION--Matter in **italics** is new; matter in brackets [-] is old law to be omitted.