

# United States Senate

April 12, 2021

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Secretary Cardona:

Thank you for the opportunity to comment on the Department of Education's Proposed Priority, Requirement, and Definitions-National Comprehensive Center on Improving Literacy (NCIL) for Students with Disabilities.

In 2015, when Congress passed the Every Student Succeeds Act (ESSA), I was the primary author of the provision that authorized NCIL. I did so knowing that 1-in-5 Americans are dyslexic, despite the fact that few are ever diagnosed or receive the services they need to overcome their dyslexia. In authorizing the NCIL, my objective was to bring together the brightest minds on literacy and dyslexia, who could review the existing body of literature and provide practical assistance about how schools can effectively screen students for dyslexia, identify students with dyslexia, and provide services to students with dyslexia. Unfortunately, the current recipients of NCIL funding proved to not be up to the task.

In March 2019, NCIL published a document titled "Screening for Dyslexia." As I documented in my letter to then-Secretary Betsy DeVos, which is attached, NCIL's work product was unacceptable. If it had been submitted to a private company, the NCIL contract would have been terminated with cause. Among the problems were outdated information and an outdated definition of dyslexia. There were numbers for footnotes but no corresponding references. There were thirty-one references cited in the text but omitted from the reference list at the end of the document.<sup>1</sup> These errors were discovered not because of a rigorous review by the current holders of the grant, but because I asked associates who are experts in the field of dyslexia to review the document. If I had not, there is no reason to think corrections would have been made. Put differently, this error ridden document with out of date information would still be taken as DOED endorsed guidance to screen for dyslexia. This would be one more way in which the issue of dyslexia would be poorly served.

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<sup>1</sup> U.S. Senator Bill Cassidy. (2020, April 22). *Cassidy criticizes academic integrity of NCIL Dyslexia report created with Department of Education funds* [Press Release]. Retrieved from <https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-criticizes-academic-integrity-of-ncil-report-created-with-department-of-education-funds>

The above informs the comments DOED seeks regarding the evaluation of NCIL's effect on student literacy achievement and the capacity of educators to implement evidence-based instruction and assessment, in addition to the appropriateness of using a third party or independent evaluator for the summative evaluation of the Center. Simply put, the current holders of the NCIL grant should not be trusted to give advice on student literacy. Their work product, as originally delivered, would have been detrimental to student literacy achievement. Educators would have been incapable of implementing evidence based instruction based upon the product delivered because the evidence was out of date or not documented.

Regarding a third party evaluator, normally, a third party evaluator should not be needed because there is integrity of the work product. The current holders of the grant should have an independent evaluator because they cannot be trusted. But since they cannot be trusted, they should not have their grant renewed. Indeed, whoever was a co-author of the report should be barred from receiving government contracts in the future. These grants are not welfare for academicians; they are a contract to deliver trustworthy products on behalf of taxpayers.

While the proposed priority did not invite comment on definitions that were not included in the priority, I urge DOED to adopt the definition of dyslexia as it is defined in the First Step Act. This definition is as follows:

**DYSLEXIA.**—The term ‘dyslexia’ means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.<sup>2</sup>

Additionally, I urge DOED to also adopt the definition of a dyslexia screening program as it is defined in the First Step Act. That definition is as follows:

**DYSLEXIA SCREENING PROGRAM.**—The term ‘dyslexia screening program’ means a screening program for dyslexia that is—

- (A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;
- (B) efficient and low-cost; and
- (C) readily available.<sup>3</sup>

The definition of dyslexia in the First Step Act is the only definition of dyslexia in federal statute and it is the most up-to-date definition of dyslexia. The Notice Inviting Applications should reflect this definition and understanding of dyslexia rather than definitions of dyslexia that may be outdated. Additionally, applicants should be able to demonstrate how they plan to screen

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<sup>2</sup> 18 U.S.C. § 3635 (2018).

<sup>3</sup> 18 U.S.C. § 3635 (2018).

students for dyslexia using an evidence-based dyslexia screening program. Like the definition for dyslexia, the definition of a dyslexia screening program in the First Step Act is also the only definition in federal statute and is the most up-to-date. It makes clear that screening for dyslexia should require the use of a screener that is evidence-based and psychometrically valid, affordable to schools, efficient to scale, and readily available to use as soon as possible. This is the model that successful applicants should follow and the criteria that DOED should consider when awarding the next round of funding for the NCIL grantees.

The need for a trustworthy product is essential. The NCIL is now listed as a reference source for educators. This is to say that a group which cannot be trusted to produce an up-to-date, academically rigorous, well cited product is giving guidance to educators on dyslexia, a condition which affects 20% of children, most of whom are never diagnosed and, if they are, are poorly served.

To that end, NCIL should be abolished or awarded to another group which does not include any of the principals in the current group. Otherwise it will become a parody of a government initiative. A multi-million dollar contract is award, the work product is so poor, that another contract is given to document the poor work of the first contract recipient. If there is to be a Center of Excellence, it is better to discontinue the contract if excellence is not met.

Thank you again for providing the opportunity to review and provide public comment in response to the proposed priority.

Sincerely,

A handwritten signature in blue ink that reads "Bill Cassidy, M.D." in a cursive style.

Bill Cassidy, M.D.  
United States Senator