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4

As Engrossed: S3/17/15

A Bill

SENATE BILL 788

5 By: Senator Elliott
6

For An Act To Be Entitled

8 AND ACT TO MODIFY THE REQUIREMENTS CONCERNING
9 SCREENING FOR DYSLEXIA; TO CLARIFY THE REQUIREMENTS
10 FOR SCHOOL DISTRICTS TO SCREEN STUDENTS FOR DYSLEXIA;
11 AND FOR OTHER PURPOSES.
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Subtitle

14 TO MODIFY THE REQUIREMENTS CONCERNING
15 SCREENING FOR DYSLEXIA; AND TO CLARIFY
16 THE REQUIREMENTS FOR SCHOOL DISTRICTS TO
17 SCREEN STUDENTS FOR DYSLEXIA.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-41-601(2), concerning findings, is
24 amended to read as follows:

25 (2) Most children identified as having ~~markers~~ characteristics of
26 dyslexia and related disorders can be treated successfully; and
27

28 SECTION 2. Arkansas Code §§ 6-41-602 – 6-41-604 are amended to read as
29 follows:

30 6-41-602. Definitions.

31 As used in this subchapter:

32 (1) “Dyslexia” means a specific learning disability that is:

33 (A) Neurological in origin;

34 (B) Characterized by difficulties with accurate and fluent
35 word recognition and poor spelling and decoding abilities that typically
36 result from a deficit in the phonological component of language; and



1 (C) Often unexpected in relation to other cognitive
2 abilities;

3 (2) "Dyslexia interventionist" means a school district or public
4 school employee trained in a dyslexia program, such as a:

5 (i) Dyslexia therapist;

6 (ii) Dyslexia specialist;

7 (iii) Reading interventionist;

8 (iv) Certified teacher; or

9 (v) Tutor or paraprofessional working under the
10 supervision of a certified teacher;

11 (3) "Dyslexia program" means explicit, direct instruction that
12 is:

13 (A) Systematic, sequential, and cumulative and follows a
14 logical plans of presenting the alphabetic principle that targets the
15 specific needs of the student without presuming prior skills of knowledge of
16 the student;

17 (B) Systematic, multisensory, and research-based;

18 (C) Offered in a small group setting to teach students the
19 components of reading instruction, including without limitation:

20 (i) Phonemic awareness to enable a student to detect,
21 segment, blend, and manipulate sounds in spoken language;

22 (ii) Graphophonemic knowledge for teaching the
23 letter-sound plan of English;

24 (iii) The structure of the English language that
25 includes morphology, semantics, syntax, and pragmatics;

26 (iv) Linguistic instruction directed toward
27 proficiency and fluency with the patterns of language so that words and
28 sentences are carriers of meaning; and

29 (v) Strategies that students use for decoding,
30 encoding, word recognition, fluency, and comprehension; and

31 (D)(i) Delivered with fidelity.

32 (ii) "Fidelity" means the intervention is done as
33 the author of the program intended.

34 (4)(A) "Dyslexia specialist" means a professional at each
35 education service cooperative or school district who has expertise and is
36 working towards an endorsement or certification in providing training for:

- 1 (i) Phonological and phonemic awareness;
- 2 (ii) Sound and symbol relationships;
- 3 (iii) Alphabet knowledge;
- 4 (iv) Decoding skills;
- 5 (v) Rapid naming skills; and
- 6 (vi) Encoding skills.

7 (B) A dyslexia specialist shall be fluent in the Response
 8 to Intervention (RTI) process and provide training in administering
 9 screenings, analyzing and interpreting screening data, and determining
 10 appropriate interventions that are systematic, multisensory, and evidence-
 11 based;

12 (5) “Dyslexia therapist” means a professional who has completed
 13 training and obtained certification in dyslexia therapy from a dyslexia
 14 therapy training program ~~approved~~ defined by the Department of Education; and

15 ~~(3)~~(6) “Dyslexia therapy” means an appropriate specialized
 16 dyslexia reading instructional program specifically designed for use in a
 17 dyslexia program that is+

18 ~~(A) Delivered~~ delivered by a dyslexia ~~therapist~~
 19 interventionist;

20 ~~(B) Systematic, multisensory, and research based; and~~

21 ~~(C) Offered in a small group setting to teach students the~~
 22 ~~components of reading instruction, including without limitation:~~

23 ~~(i) Phonemic awareness to enable a student to detect,~~
 24 ~~segment, blend, and manipulate sounds in spoken language;~~

25 ~~(ii) Graphophonemic knowledge for teaching the~~
 26 ~~letter-sound plan of English;~~

27 ~~(iii) The structure of the English language that~~
 28 ~~includes morphology, semantics, syntax, and pragmatics;~~

29 ~~(iv) Linguistic instruction directed toward~~
 30 ~~proficiency and fluency with the patterns of language so that words and~~
 31 ~~sentences are carriers of meaning; and~~

32 ~~(v) Strategies that students use for decoding,~~
 33 ~~encoding, word recognition, fluency, and comprehension.~~

34

35 6-41-603. Required screening and intervention.

36 (a)(1) A school district shall screen each student in kindergarten

1 through grade two (K-2) and others required by the Department of Education
2 rule using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or
3 an equivalent screener.

4 (2) The screening of students shall be performed with fidelity
5 and include without limitation:

6 (A) Phonological and phonemic awareness;

7 (B) Sound symbol recognition;

8 (C) Alphabet knowledge;

9 (D) Decoding skills;

10 (E) Rapid naming skills; and

11 (F) *Encoding skills*.

12 (3)(A) If the screener under subdivision (a)(1) of this section
13 shows that a student is at risk, or at some risk then a level I dyslexia
14 screener shall be administered.

15 (B) The level one dyslexia screening of a student shall be
16 performed with fidelity and include the components listed under subdivision
17 (a)(2) of this section.

18 (b) The Department of Education shall adopt rules to ensure that
19 students will be screened using DIBELS or an equivalent screener:

20 (1) In kindergarten through grade two (K-2);

21 (2) When a student in kindergarten through grade two (K-2)
22 transfers to a new school and has not been screened;

23 (3) When a student in grade three (3) or higher has difficulty,
24 as noted by a classroom teacher, in:

25 (A) Phonological and phonemic awareness;

26 (B) Sound-symbol recognition;

27 (C) Alphabet knowledge;

28 (D) Decoding skills;

29 (E) Rapid naming skills; and

30 (F) Encoding skills; and

31 (4) When a student from another state enrolls for the first time
32 in Arkansas in kindergarten through grade two (K-2) unless the student
33 presents documentation that the student:

34 (A) Had the screening or a similar screening; or

35 (B) Is exempt from screening.

36 (c)(1) If the ~~DIBELS~~ initial, level I, or level II dyslexia screening

1 *indicates* that a student has ~~markers for~~ characteristics of dyslexia ~~and~~
 2 ~~needs intervention~~, the Response to Intervention (RTI) process shall be used
 3 to address the needs of the student.

4 ~~(2) If the RTI process indicates the possibility of dyslexia, the~~
 5 ~~student shall be evaluated for dyslexia.~~

6 ~~(3)(A)(2)(A)~~ (A) If the dyslexia ~~evaluation~~ level II dyslexia
 7 screening conducted by the school district indicates that a student ~~is~~
 8 dyslexic exhibits characteristics of dyslexia, the student shall be provided
 9 therapeutic intervention services.

10 (B) If it is determined that the student has functional
 11 difficulties in the academic environment due to characteristics of dyslexia,
 12 the necessary accommodations or equipment for the student shall be provided
 13 under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and
 14 Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12165, as
 15 they existed on February 1, 2013, if qualified under the applicable federal
 16 law.

17 ~~(C) Therapeutic services may be provided by a tutor who is~~
 18 ~~a highly qualified and trained interventionist.~~

19 ~~(d) If a student's performance on the DIBELS screening under~~
 20 ~~subdivision (c)(1) of this section indicates a need for additional screening,~~
 21 ~~the student may receive additional testing by a trained professional using a~~
 22 ~~norm-referenced test.~~

23
 24 6-41-604. ~~Additional~~ Level II dyslexia ~~evaluation~~ screening and
 25 services - Parental notification.

26 (a) If a student's performance on ~~a~~ an initial screener, level I
 27 screening, or level II dyslexia ~~evaluation~~ screening under § ~~6-41-603(e)(3)~~
 28 ~~6-41-603~~ indicates indicate a need for dyslexia therapy intervention
 29 services, the student's parent or legal guardian shall be:

30 (1) Notified of the results of the dyslexia evaluation; and

31 (2) Provided with information and resource material, including
 32 without limitation:

33 (A) ~~The common indicators~~ characteristics of dyslexia;

34 (B) Appropriate classroom interventions and accommodations
 35 for students with dyslexia; and

36 (C) The right of the parent or legal guardian to have the

1 student receive an independent, comprehensive dyslexia evaluation by a:

- 2 (i) Licensed psychological examiner;
- 3 (ii) School psychology specialist;
- 4 (iii) Licensed speech-language pathologist; ~~or~~
- 5 (iv) Certified dyslexia training testing

6 specialist; or

- 7 (v) Dyslexia therapist.

8 ~~(b) If a student's performance on a dyslexia evaluation under § 6-41-~~
 9 ~~603(c)(3) indicates the need for dyslexia therapy intervention services, the~~
 10 ~~school district may perform a comprehensive dyslexia evaluation in addition~~
 11 ~~to the required Response to Intervention (RTI) process under § 6-41-~~
 12 ~~603(c)(2).~~

13 ~~(e)(b)(1)~~ If a parent or legal guardian chooses to have an independent
 14 a comprehensive dyslexia evaluation for the student, the parent or legal
 15 guardian shall:

16 (A) Select an individual qualified under subdivision
 17 (a)(2)(C) of this section to perform the comprehensive dyslexia evaluation;
 18 and

19 (B) Cover the cost of the comprehensive dyslexia
 20 evaluation.

21 (2) the A school district shall consider the diagnosis ~~from the~~
 22 ~~independent evaluation~~ and allow provide the student ~~to receive direct~~
 23 ~~intervention~~ with interventions determined to be appropriate by the school
 24 district from a dyslexia ~~therapist~~ interventionist at the school district.

26 SECTION 3. Arkansas Code § 6-41-605(a)(1), concerning instructional
 27 approaches, is amended to read as follows:

28 (a) Dyslexia ~~therapy~~ intervention for a student whose dyslexia
 29 ~~evaluation level I or level II screening~~ under § 6-41-603(c)(3) indicates the
 30 need for dyslexia ~~therapy~~ intervention services ~~shall be provided with~~
 31 ~~fidelity and may~~ include the following instructional approaches:

32 (1) Explicit, direct instruction that is systematic,
 33 sequential, and cumulative and follows a logical plan of presenting the
 34 alphabetic principle that targets the specific needs of the student without
 35 presuming prior skills or knowledge of the student;

36

1 SECTION 4. Arkansas Code § 6-41-607 is amended to read as follows:
2 6-41-607. *Dyslexia specialist*.

3 (a) No later than the 2015 fiscal year, the Department of Education
4 shall employ at least one (1) dyslexia specialist ~~who is a dyslexia~~
5 ~~therapist, licensed psychologist, licensed psychometrist, licensed speech-~~
6 ~~language pathologist, or certified dyslexia training specialist~~ with a
7 minimum of three (3) years of field experience in screening, identifying, and
8 treating dyslexia and related disorders to provide technical assistance for
9 dyslexia and related disorders to school districts across the state.

10 (b) The *dyslexia specialist* shall:

11 (1) Be highly trained in dyslexia and related disorders,
12 including best-practice interventions and treatment models for dyslexia;

13 (2) Be responsible for the accountability of screening results
14 and the implementation of professional awareness required under § 6-41-608;
15 and

16 (3) Serve as the primary source of information and support for
17 school districts addressing the needs of students with dyslexia and related
18 disorders.

19 ~~(c)~~(1)(c) The department shall ensure that at least one (1) staff
20 member at each education service cooperative is trained as a dyslexia
21 specialist to provide necessary information and support to school districts.

22 ~~(2) A dyslexia specialist shall have completed training and~~
23 ~~received certification from a program approved by the department.~~

24 (d) No later than the 2015-2016 academic year, a school district shall
25 have individuals to serve as dyslexia interventionists ~~as defined in the~~
26 ~~Resource Guide for Specific Learning Disabilities (SLD)/Dyslexia who are~~
27 ~~trained as dyslexia interventionists.~~

28 ~~(1) By the department; or~~

29 ~~(2) Using other dyslexia training programs approved by the~~
30 ~~department.~~

31
32 SECTION 5. Arkansas Code § 6-41-608(a), concerning dyslexia
33 professional awareness, is amended to read as follows:

34 (a) No later than the 2014-2015 school year, the Department of
35 Education shall ensure that each teacher receives professional awareness on:

36 (1) The ~~indicators~~ characteristics of dyslexia; and

1 (2) ~~The science behind teaching a student who is dyslexic~~
2 evidence-based interventions and accommodations for dyslexia.

3
4 SECTION 6. Arkansas Code § 6-41-609 is amended to read as follows:
5 6-41-609. Dyslexia and related disorder education in teacher
6 preparation programs.

7 ~~The~~ No later than the 2015-2016 school year, the Department of
8 Education shall collaborate with the Department of Higher Education to ensure
9 that all teacher education programs offered at state-supported institutions
10 of higher education ~~include information on the identification of students at~~
11 ~~risk for dyslexia and related disorders~~ provide dyslexia professional
12 awareness of the:

13 (1) Characteristics of dyslexia; and

14 (2) Evidence-based interventions and accommodations for
15 dyslexia.

16
17 SECTION 7. Arkansas Code § 6-41-610(b), concerning the dyslexia
18 resource guide, is amended to read as follows:

19 (b)(1) The department shall maintain a committee for the purpose of
20 developing and updating the Arkansas Dyslexia Resource Guide ~~for Specific~~
21 ~~Learning Disabilities (SLD)/Dyslexia that is used as a guide for school~~
22 ~~districts, public schools, and teachers.~~

23 (2)(A) The committee shall include one (1) representative who
24 has experience working in the field of dyslexia intervention from the
25 following organizations appointed by the Commissioner of Education:

26 (i) The Arkansas Association of Education
27 Administrators;

28 (ii) The Arkansas Department of Education, Learning
29 Services;

30 (iii) The Arkansas Department of Higher Education

31 (iv) The Arkansas Education Association;

32 (v) The Arkansas School Boards Association;

33 (vi) The Arkansas School Psychology Association,
34 with at least three (3) years of experience in testing for dyslexia; and

35 (vii) An Education Service Cooperative
36 administrator; and

1 (B) Three (3) professionals who have worked in a public
2 school are knowledgeable in and have expertise in dyslexia screening and
3 interventions.

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