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2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/26/13

A Bill

SENATE BILL 33

5 By: Senators Elliott, J. Key
6 By: Representative Catlett
7

For An Act To Be Entitled

9 AN ACT TO ENSURE THAT CHILDREN WITH DYSLEXIA HAVE
10 THEIR NEEDS MET BY THE PUBLIC SCHOOL SYSTEM; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO ENSURE THAT CHILDREN WITH DYSLEXIA
16 HAVE THEIR NEEDS MET BY THE PUBLIC SCHOOL
17 SYSTEM.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code Title 6, Chapter 40, is amended to add an*
23 *additional subchapter to read as follows:*
24

Subchapter 1 – Dyslexia and Related Disorders

6-40-101. Findings.

The General Assembly finds that:

29 (1) Dyslexia, if not diagnosed early, can be severely
30 detrimental to a child’s academic success as well as his or her self-esteem;

31 (2) Most children identified as having dyslexia and related
32 disorders can be successfully treated; and

33 (3) The cost of screening and treating dyslexia or a related
34 disorder early is significantly less than the cost of intensive remediation
35 in the later school years for a child with dyslexia or a related disorder.
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1 6-40-102. Definitions.

2 As used in this subchapter:

3 (1) "Dyslexia" means a specific learning disability that is:

4 (A) Neurological in origin;

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

8 (C) Often unexpected in relation to other cognitive
9 abilities;

10 (2) "Dyslexia therapist" means a professional who has completed
11 training and obtained certification in dyslexia therapy from a dyslexia
12 therapy training program approved by the Department of Education; and

13 (3) "Dyslexia therapy" means an appropriate specialized dyslexia
14 instructional program that is:

15 (A) Delivered by a dyslexia therapist;

16 (B) Systematic, multi-sensory, and research based;

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

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

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

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

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

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

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31 6-40-103. Required screening and intervention.

32 (a)(1) A school district shall screen each student in Kindergarten
33 through grade three (K-3) and others required by the Department of Education
34 rule using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS).

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

1 (A) Phonological and phonemic awareness;

2 (B) Sound symbol recognition;

3 (C) Alphabet knowledge;

4 (D) Decoding skills;

5 (E) Rapid naming skills; and

6 (F) Encoding skills.

7 (b) The Department of Education shall adopt rules to ensure that
8 students will be screened using DIBELS:

9 (A) In Kindergarten through grade three (K-3);

10 (B) When a student in Kindergarten through grade three (K-
11 3) transfers to a new school and has not been screened;

12 (C) When a student in grade four (4) or higher has
13 difficulty, as noted by a classroom teacher, in:

14 (i) Phonological and phonemic awareness;

15 (ii) Sound-symbol recognition;

16 (iii) Alphabet knowledge;

17 (iv) Decoding skills;

18 (v) Rapid naming skills; and

19 (vi) Encoding skills; and

20 (D) When a student from another state enrolls for the
21 first time in Arkansas in Kindergarten through grade three (K-3) unless the
22 student presents documentation that the student:

23 (i) Had the screening or a similar screening; or

24 (ii) Is exempt from screening.

25 (c)(1) If the DIBELS screening indicates that a student needs
26 intervention, the Response to Intervention (RTI) shall be used to address the
27 needs of student.

28 (2) If the RTI indicates the possibility of dyslexia, the
29 student shall be evaluated for dyslexia.

30 (3)(A) If the dyslexia evaluation indicates that a student is
31 dyslexic, the student shall be provided therapeutic services.

32 (B) If it is determined that the student has functional
33 difficulties in the academic environment due to dyslexia, the necessary
34 accommodations or equipment for the student shall be provided under Section
35 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the
36 Americans with Disabilities Act, 42 U.S.C. §§ 12131-12165, as they existed on

1 February 1, 2013.

2 (C) Therapeutic services may be provided by a tutor who is
3 a highly qualified and trained interventionist.

4 (d) If a student's performance on the DIBELS screening under
5 subdivision (c)(1) of this section indicates a need for additional screening
6 the student may receive additional testing by a trained professional using a
7 norm-referenced test.

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9 6-40-104. Additional dyslexia evaluation and services.

10 (a) If a student's performance on a dyslexia evaluation under § 6-40-
11 103(c)(3) indicates a need for dyslexia therapy services, the student's
12 parent or legal guardian shall be:

13 (1) Notified of the results of the dyslexia evaluation;

14 (2) Provided with information and resource material including
15 without limitation:

16 (A) The common indicators of dyslexia;

17 (B) Appropriate classroom interventions and accommodations
18 for students with dyslexia; and

19 (C) The right of the parent or legal guardian to have the
20 student receive an independent evaluation by a:

21 (i) Licensed psychologist;

22 (ii) Licensed psychometrist;

23 (iii) Licensed speech-language pathologist; or

24 (iv) Certified dyslexia training specialist.

25 (b) If a student's performance on a dyslexia evaluation under § 6-40-
26 103(c)(3) indicates the need for dyslexia therapy services, the school
27 district may perform a comprehensive dyslexia evaluation in addition to the
28 required Response to Intervention (RTI) under §6-40-103(c)(2).

29 (c) If a parent or legal guardian chooses to have an independent
30 evaluation for the student, the school district shall consider the diagnosis
31 from the independent evaluation and allow the student to receive direct
32 intervention from a dyslexia therapist.

33
34 6-40-105. Instructional approaches.

35 (a) Dyslexia therapy for a student whose dyslexia evaluation under §
36 6-14-103(c)(3) indicates the need for dyslexia therapy services shall be

1 provided with fidelity and include the following instructional approaches:

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

6 (2) Individualized instruction to meet the specific needs of the
7 student in a small group setting that uses intensive, highly concentrated
8 instruction methods and materials that maximize student engagement;

9 (3) Meaning-based instruction directed at purposeful reading and
10 writing, with an emphasis on comprehension and composition; and

11 (4) Multisensory instruction that incorporates the simultaneous
12 use of two (2) or more sensory pathways during teacher presentations and
13 student practice.

14 (b) Until there are a sufficient number of graduates from a dyslexia
15 therapy program established at the university level in Arkansas or from a
16 dyslexia therapy program established at the university level in another state
17 that is approved by the Department of Education, the department shall allow
18 dyslexia therapy to be provided by individuals who have received training and
19 certification from a program approved by the department.

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21 6-40-106. Reporting by school district.

22 The superintendent of a school district annually shall report the
23 results of the school district screening required under § 6-40-103.

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25 6-40-107. Dyslexia specialist.

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

33 (b) The dyslexia specialist shall:

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

36 (2) Be responsible for the accountability of screening results

1 and the implementation of professional awareness required under § 6-40-108;
2 and

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

6 (c) The department may place one (1) dyslexia specialist who has
7 received training and certification from a program approved by the department
8 to provide the necessary information and support to school districts.

9 (d) No later than the 2015-2016 academic year, a school district shall
10 employ minimum number of dyslexia specialist recommended by the Dyslexia
11 Resource Guide to perform interventions for students:

12 (1) A dyslexia therapist;

13 (2) An academic language therapist;

14 (3) An individual certified by International Multisensory
15 Structured Language Education Council, or

16 (4) An individual who has received training or certification
17 from a program approved by the department.

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19 6-40-108. Dyslexia professional awareness.

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

22 (1) The indicators of dyslexia; and

23 (2) The science behind teaching a student who is dyslexic.

24 (b) Professional awareness may be provided:

25 (1) Online;

26 (2) At an education service cooperatives; or

27 (3) At another venue approved by the department.

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29 6-40-109. Dyslexia and related disorder education in teacher
30 preparation programs.

31 The Department of Education shall collaborate with the Department of
32 Higher Education to ensure that all teacher education programs offered at
33 state-supported institutions of higher education include information on the
34 identification of students at risk for dyslexia and related disorders.

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36 6-40-110. Rules – Dyslexia Resource Guide.

1 (a) The Department of Education shall adopt rules to implement this
2 subchapter.

3 (b) The department shall maintain and update the Dyslexia Resource
4 Guide that is used as a guide for school districts, public schools, and
5 teachers.

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7 SECTION 2. DO NOT CODIFY.

8 (a) The Department of Education shall convene a dysgraphia and
9 dyscalculia working group to determine the appropriate responses for students
10 with dysgraphia and dyscalculia and to ensure that the needs of those
11 students are met.

12 (b) The department shall report the result of the working group to the
13 Senate Committee on Education and the House Committee on Education no later
14 than November 1, 2013.

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16 /s/Elliott
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