

**RECEIVED  
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BLR**

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING DYSLEXIA**

**PUBLIC COMMENTS AND RESPONSES**

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**FIRST PUBLIC COMMENT PERIOD**

Commenter Name: Nathaly Herrera, Springdale Public Schools - Bayyari Elementary School, Special Education Resource Teacher, 6/10/2024

Comments: My name is Nathaly Herrera, I'm a Special Education Resource Teacher for Springdale Public Schools at Bayyari Elementary School. After reading the proposed rules for Dyslexia, I have some concerns specifically with our multilingual students and new to the country students. The proposed rules or Arkansas's Dyslexia Resource Guide do not address identifying English Language Learners with characteristics of dyslexia. Approximately 10% of Arkansas's student population is categorized as English Language Learners. 33% of students in Springdale are English Language Learners. Some schools in Springdale have an ELL population as high as 68%. At Bayyari we had 64% of students identified as an ELL.

Since July 2, 2023 - Springdale Public Schools had 2,016 students enter English Language Proficiency services. 991 of them were born outside of the US with little to no English being spoken. Many of these students qualify for Students with Limited or Interrupted Formal Education (SLIFE). This information is reported by parents and/or transcripts. Research says characteristics of dyslexia and second language acquisition can appear similar. This makes the process of identifying an ELL student with dyslexia difficult. These students need to be placed in the Response to Intervention (RTI) System and given intervention with literacy and English Language Development skills and progress monitored. If the student is not making adequate progress, then they should be considered for a student with characteristics of dyslexia.

The following variables should be considered when identifying students with characteristics of dyslexia:

Determine the number of years of high-quality, first language instruction in reading and writing, as well as instruction in English language and literacy, to ensure that the difficulty is not due to a lack of English instruction.

Examine the variables that may be causing any difficulties with reading and writing in English. A lack of proficiency in spoken English will affect the ability to learn to read and write English. In addition, assess the student's ability to read and write in the first language. If a student has difficulty in their first language, that might point toward dyslexia. However, if a student seems to have literacy skills in their first language but struggles with English, the issue might be related to limited exposure to high-quality instruction in English. Teasing apart these two factors is important for an accurate identification of dyslexia.

Review the family history. Because dyslexia is hereditary, a family history of dyslexia—or symptoms that might point to dyslexia or other related conditions—should be documented.

Note that when comparing literacy skills across languages, students with dyslexia may appear to be within normal limits for decoding skills when they are reading and writing in transparent languages (those with reliable and stable letter-sound correspondences, such as Spanish) due to the regular and reliable patterns of the language. As a result, when screening or assessing in transparent languages, reading fluency and spelling skills may be better indicators of dyslexia.

Consider performance, during the screening and assessment process, in relation to peers with similar first languages and background experiences. This comparison is especially important if the available tests do not include a significant number of English learners in the sample used to determine what is expected for the population (the normative sample). This data is another piece of information that can help with the process of teasing apart any possible effects of dyslexia from the effects of being an English learner.

Collect samples of the student’s work (for instance, written spelling assessment, written expression, and oral reading with error analysis) and evaluate that work along with the results of progress monitoring and other tests to determine the rate of progress achieved and to document any history of limited progress.

Review specific error patterns and ensure that they are not a result of overgeneralization from the student’s first language to English. Determine if the errors are typical or unusual when compared to other English learners who are native speakers of the same language.

Work with the student’s parents, caregivers, and educators to determine if any educational, environmental, or personal factors may be related to learning to read. The more data gathered to develop an understanding of the student, the more accurate the assessment and decision-making process is likely to be.

Keep in mind that outcomes may vary depending on a number of factors, including the student’s first language and the language of instruction (whether English or another language), the type and quality of language and literacy instruction received thus far, and the consistency of its implementation. These variables need to be considered as the student is evaluated for possible dyslexia.

Create a team of experts who understand language and reading development among English learners so they may review the data and make decisions regarding the necessary type of instruction and level of intensity.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. Language was also added to clarify that language acquisition is a factor which can be considered along with dyslexia screening to determine whether interventions are necessary.**

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Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024

Comments: Can the 15 day timeline be clarified? Is this referring to calendar days or school days?

Division Response: **Comment considered; a change was made following public comment to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024

Comments: We have some concerns about the strict 15 day timeline for level 2 screeners. This timeline might force districts to add personnel in order to meet timelines.

Division Response: **Comment considered; a change was made following public comment to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024

Comments: [4.05.3] We would like clarification on the referenced cut points and indicators that must be approved by the department. Are these referring to the state assessment or the level two screeners?

Division Response: **Comment considered; no changes made. Guidance will be provided by the DESE Assessment team for the ATLAS assessment. Level 2 scores are defined according to dyslexia resource guide.**

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Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024

Comments: [4.06 and 6.00] We would like to see clarification from sections 4.06 and 6.00. Specifically about the students who fail level 1 screeners and if they are required to go into an approved dyslexia program without first receiving early interventions. We feel this is not in line with the RtI process.

**Division Response: Comment considered; no changes made. The Response to Intervention process uses assessment data to determine the needs of the students. If the deficits are significant enough, then students should receive the appropriate intensity of support.**

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**Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024**

**Comments: [5 & 4] 5.00 References required screening for 3-12, which contradicts 4.00 for required screeners for 3rd grade. This needs to be changed to 4-12. Third grade is already covered for screening in section 4.00**

**Division Response: Comment considered; no changes made. The language upon which comment is based is statutory. However, the inclusion of third grade students in both section four and section five simply allows for an opportunity to have two mechanisms for identifying third grade students in need of dyslexia intervention.**

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**Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024**

**Comments: [6.02 and 6.03.1] 6.02 and 6.03.1 contradict each other, one says early intervention can stop when the deficit areas are remediated the other one says that they have to progress until they complete the dyslexia program**

**Division Response: Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued.**

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**Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024**

**Comments: [6.04 .1] It says a special education teacher can provide dyslexia interventions but shouldn't that person also be trained in a dyslexia program?**

**Division Response: Comment considered; language was added to clarify that all persons delivering dyslexia intervention under an IEP must be trained in the dyslexia program.**

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**Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024**

**Comments: Clarification for levels - What are level 2 screeners? It states that what used to be level 2 screeners are now called Independent, comprehensive dyslexia evaluations. Are these still considered level 2 as nowhere else is the Independent comprehensive dyslexia evaluation referenced?**

**Division Response: Comment considered; no changes made. The Level II screeners are unchanged by this amendment to the rule.**

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**Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024**

**Comments: We need clarification for which students are coded for receiving interventions for COD. Is this all students receiving early interventions based on level 1 and 2 screeners?**

**Division Response: Comment considered; no changes made. Any student demonstrating a need for dyslexia intervention on Level I (K-2) or Level 2 (3-12) receiving intervention should be marked as receiving intervention.**

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**Commenter Name: Kelli Martin, Greenbrier Public Schools, Deputy Superintendent, 6/10/2024**

**Comments: [12.02] 12.02- Will districts be allowed to provide their own PD for professional awareness? Especially those who have RISE trainers in the district.**

**Division Response: Comment considered; no changes made. The professional awareness training is a one-time requirement. Schools should assure teachers: 1) understand the requirement of screening any student experiencing difficulty, 2) indicators that a student experiencing difficulties might be experiencing difficulties due to dyslexia, and 3) the protocol for referring a student for screening. RISE training doesn't address dyslexia.**

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**Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024**

**Comments: 15 day timeline for testing - is this school days or calendar days?**

**Division Response: Comment considered; no changes made. In Arkansas law, when days is used without any other qualifications it refers to calendar days.**

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**Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024**

**Comments: Level two screeners take approximately two hours per student to give. The 15 day timeline is not appropriate for districts and is so much more stringent than IDEA timelines**

**Division Response: Comment considered; a change was made following public comment to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024

Comments: Clarification needed for 4.05.3 - Are the cut points and indicators that must be approved coming from the state assessment screener or from level two screeners

Division Response: **Comment considered; no changes made. Guidance will be provided by the DESE Assessment team for the ATLAS assessment. Level 2 scores are defined according to dyslexia resource guide.**

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Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024

Comments: If they fail level 1 screeners they should be given early interventions but they shouldn't be required to go into approved dyslexia interventions (4.06 and 6.00). That takes out the RtI process and does not give our other interventions a chance to work. Oftentimes they just needed additional exposure to learning and will respond to the early interventions. If we place them into an approved program immediately then they are locked in until they complete the dyslexia program.

Division Response: **Comment considered; no changes made. The Response to Intervention process uses assessment data to determine the needs of the students. If the deficits are significant enough, then students should receive the appropriate intensity of support.**

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Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024

Comments: [5] References required screening for 3-12, which contradicts 4.00 for required screeners for 3rd grade. This needs to be changed to 4-12. Third grade is already covered for screening in section 4.00

Division Response: **Comment considered; no changes made. The language upon which comment is based is statutory. However, the inclusion of third grade students in both section four and section five simply allows for an opportunity to have two mechanisms for identifying third grade students in need of dyslexia intervention.**

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Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024

Comments: [6.02 and 6.03.1] 6.02 and 6.03.1 contradict each other, one says early intervention can stop when the deficit areas are remediated the other one says that they have to progress until they complete the dyslexia program

**Division Response: Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued.**

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**Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024**

**Comments: [6.04.1] It says a special education teacher can provide dyslexia interventions but shouldn't that person also be trained in a dyslexia program?**

**Division Response: Comment considered; language was added to clarify that all persons delivering dyslexia intervention under an IEP must be trained in the dyslexia program.**

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**Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024**

**Comments: Clarification for levels - What are level 2 screeners?**

Now it is saying that what used to be level 2 screeners are now called Independent, comprehensive dyslexia evaluation. Are these still considered level 2 as nowhere else is the Independent comprehensive dyslexia evaluation referenced?

**Division Response: Comment considered; no changes made. The Level II screeners are unchanged by this amendment to the rule.**

---

**Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024**

**Comments: Clarification needed for which students are coded for receiving interventions for COD. Is this all students receiving early interventions based on level 1 and 2 screeners?**

**Division Response: Comment considered; no changes made. Any student demonstrating a need for dyslexia intervention on Level I (K-2) or Level 2 (3-12) receiving intervention should be marked as receiving intervention.**

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**Commenter Name: Ashley Hammett, Springhill Elementary, Principal, 6/10/2024**

**Comments: [12.02] Can districts not provide their own PD for professional awareness. Especially for those who have RISE trainers within their districts**

**Division Response: Comment considered; no changes made. The professional awareness training is a one-time requirement. Schools should assure teachers: 1) understand the requirement of screening any student experiencing difficulty, 2) indicators that a student experiencing difficulties might be experiencing difficulties due to dyslexia, and 3) the protocol for referring a student for screening. RISE training doesn't address dyslexia.**

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Commenter Name Kelly Brown, Director of ELA RTI and Dyslexia, 6/10/2024

Comments: To State Department of Education

I hope this message finds you well. I am writing to address some proposed changes to the rules and regulations concerning the Arkansas Dyslexia Law. It is imperative to emphasize that dyslexic students, despite often being overlooked, face unique challenges that differ from those of the slow learners who are typically identified as the lowest performers in their classes. The original intent of the Arkansas Dyslexia Law was to ensure that these students receive the specific support they need to thrive academically. Any modifications to this law should not detract from its foundational goal of addressing the distinct needs of dyslexic students. While all students should receive the support they need in reading, it is important to recognize that dyslexia accounts for a smaller percentage of the student population, and their specific requirements must be met without diluting the focus of the law.

*Concerns about Rigid Timelines and Clear Language*

The most pressing concern is the rigid timelines and lack of consistent language in the proposed rules. These issues could severely impact the Response to Intervention (RTI) process. For instance, using the ATLAS assessment as a universal screener for grades 3-12 could potentially flag about 65% of students, leading to an overwhelming number of students requiring further testing and intervention. This not only risks overidentification but also strains our current resources, as administering Level 2 assessments and subsequent interventions for such a large group is logistically impossible within the given timeframes.

**Division Response: Comment considered; a change was made to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name Kelly Brown, Director of ELA RTI and Dyslexia, 6/10/2024

Comments:

*Issues with Assessment Reliability and Validity*

There are significant concerns regarding the reliability and validity of the ATLAS assessment and the established cut scores. The computerized nature of ATLAS may not accurately reflect student abilities, and using it as the primary screener could lead to misidentification. This would divert crucial resources away from students who genuinely need intensive dyslexia interventions.

**Division Response: Comment considered; no changes made. The department is vetting the assessment rigorously to ensure the integrated dyslexia screener is effective.**

Commenter Name Kelly Brown, Director of ELA RTI and Dyslexia, 6/10/2024

Comments:

*Inconsistencies and Clarifications Needed*

Several sections of the proposed rules contain inconsistencies that need clarification:

1. Definitions:

- o Clarify the definition of “substantial reading deficit” and why it is included alongside “dyslexia.”

**Division Response: Comment considered; no changes made. A.C.A. §6-41-603(a)(3)(B) requires that this rule ensure students with a “substantial reading deficit” are consistently identified separate from students with “early signs consistent with characteristics of dyslexia.” Defining the term “substantial reading deficit” is necessary in order to ensure compliance with A.C.A. §6-41-603.**

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Commenter Name Kelly Brown, Director of ELA RTI and Dyslexia, 6/10/2024

Comments:

- o Ensure consistency in terms used, such as “early intervention” versus “dyslexia intervention.”

**Division Response: Comment considered; the language of the rule was modified to consistently use the term “dyslexia intervention.”**

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Commenter Name Kelly Brown, Director of ELA RTI and Dyslexia, 6/10/2024

Comments:

2. Timelines:

- o Specify whether the timelines refer to calendar days or school days.
- o Adjust the 15-day requirement for screening and intervention to a more realistic timeframe.

**Division Response: Comment considered; a change was made to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

Commenter Name Kelly Brown, Director of ELA RTI and Dyslexia, 6/10/2024

Comments:

3. Referral Process:

- o Define who qualifies as “an individual with knowledge of the student’s academic performance.”
- o Clarify what constitutes a “spelling deficit” in secondary grades without established standards.

4. Intervention Clarity:

- o Clarify if all deficit areas, including spelling and fluency, must be remediated for students with dyslexia.
- o Distinguish between dyslexia therapy provided by paraprofessionals versus Certified Academic Language Therapists.

**Division Response: Comment considered; no changes made. To the degree additional clarity regarding these comments is needed, it will be provided in the Dyslexia Resource Guide.**

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Commenter Name Kelly Brown, Director of ELA RTI and Dyslexia, 6/10/2024

Comments:

*Recommendations*

To address these concerns, I recommend the following adjustments:

1. Separate the identification of students with “substantial reading deficits” from those with dyslexia to allow the RTI process to function effectively.
2. Ensure all assessments and cut scores used are validated and reliable.
3. Provide adequate funding and resources to support the increased demand for assessments and interventions.
4. Offer clear and consistent language throughout the rules to avoid confusion among educators and stakeholders.
5. Adjust timelines to align with the capacity of schools to conduct thorough and effective evaluations and interventions.

These changes will not only improve the proposed rules but also ensure that they serve our students and educators effectively. I urge you to consider these suggestions and work with us to create a more practical and beneficial framework for dyslexia screening and intervention.

Thank you for your time and attention to this critical issue. I look forward to your response and am hopeful that we can work together to achieve meaningful improvements.

**Division Response: Comment considered; with regard to numbered comment 1 above, language was added in § 4 of the rule to clarify that substantial reading deficits not related to dyslexia are not required to receive dyslexia intervention. With regard to numbered comment three, funding is outside the scope of this rule. The division’s response to other comments is reflected in the prior responses to this commenter.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [1.02] Does the terminology "Meet the needs of dyslexics" accurately represent the broader scope of readers at risk or those with substantial reading deficits? This phrasing could inadvertently suggest that all struggling readers have dyslexia.

**Division Response: Comment considered; no changes made. The scope of this rule is limited to identifying students with dyslexia and providing early intervention to overcome the impacts of dyslexia. The rule does not characterize other students with reading difficulties. Also, the Departments notes that the comment does not accurately quote the text of the rule.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [2.02] Does the current process maintain that we undergo Response to Intervention (RTI) before considering a comprehensive evaluation for students suspected of having undisclosed disabilities?

**Division Response: Comment considered; no changes made. Anyone can and should refer a student for a comprehensive evaluation under IDEA at the point a disability is suspected.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [3.09] Shouldn't this encompass instances where students fail to meet benchmarks in oral language during PreK/K? Early signs don't necessarily equate to dyslexia. Are there

established cut scores for identifying the lowest achieving students, and will DESE create these based on computer assessments?

**Division Response: Comment considered; no changes made. Cut scores will be determined by the department in the assessment calibration process.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024

Comments: [3.17.1, 3.17.2] What exactly constitutes a "minimum skill level"?

**Division Response: Comment considered; no changes made. To the degree additional clarity regarding these comments is needed, is provided in the Dyslexia Resource Guide.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024

Comments: [3.17] Will there be clearer distinctions for serving students with substantial reading deficits versus those with dyslexia? Or are students with substantial reading deficits solely determined by their placement in the lowest achievement level on ATLAS?

**Division Response: Comment considered; no changes made. Both students identified as having characteristics of dyslexia and a substantial reading deficit will be administered the designated diagnostic literacy assessments. The ultimate determination regarding the appropriate intervention will be made by school personnel based on all relevant information including the assessment data.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024

Comments: [3.11] Which assessment tool will be utilized to evaluate Language/Listening Comprehension?

**Division Response: Comment considered; no changes made. The answer will vary depending on the assessment level.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024

Comments: [4.02] Does the K-3 ATLAS assessment cover all components listed for screening, or will additional screeners be incorporated to address each component?

**Division Response: Comment considered; no changes made. All components for Initial screener and the and Level I screening are incorporated within the ATLAS system.**

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**Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024**

**Comments: [4.05] Considering the complexity of the RTI process, is a 15-day window sufficient? Are we bypassing the Multi-Tiered System of Supports (MTSS)?**

**Division Response: Comment considered; a change was made to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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**Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024**

**Comments: [4.05.1] Does the Level I mentioned align with our district's mandated Level I assessments? Will this alignment remain consistent?**

**Division Response: Comment Considered, no changes made. The assessment system will be designed to the level I assessment which will ensure alignment and uniformity.**

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**Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024**

**Comments: [4.05.2] Does transitioning Grade 3 students to Level 2 screening expedite the process? Will all Grade 3 students meeting cut points undergo Level 2 screening, or are there exceptions?**

**Division Response: Comment Considered, no changes made. All grade three students will receive a Level II screener under the rule.**

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**Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024**

**Comments: [4.05.3] When will cut-points and indicators be released? Will they be included in the Dyslexia Resource Guide?**

**Division Response: Comment Considered, no changes made. Guidance will be provided in the Dyslexia Resource Guide and from the assessment team.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [5.01] Shouldn't it say (4-12) instead of (3-12) to align with other sections referring to Level II for 3rd grade? Will "difficulty in fluency or spelling" be clearly defined?

Division Response: **Comment Considered, a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. To the degree additional clarity regarding these comments is needed, it will be provided in the Dyslexia Resource Guide.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [5.02] Will DESE specify which screeners are suitable for Oral Reading Fluency (ORF) and encoding?

Division Response: **Comment Considered, no change made. Yes.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [5.04] Is Level 2 a screener or assessment? What is the 3-12 screener called, Level I? Does it solely focus on deficits in fluency and spelling, or does it encompass all areas from K-2?

Division Response: **Comment Considered, no changes made. Level 2 has not changed. It is a battery of assessments that measure specific areas including characteristics of dyslexia, underlying cause, secondary outcomes, and other cognitive abilities.**

**It isn't necessary to measure all of the element of the K-2 requirements, since many are foundational literacy skills that should have already been mastered by 3rd grade. In 4-12 we will assess using a spelling measure and a fluency measure to determine if there are deficits and to trigger the need for a Level 2 screener.**

Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [6.01] If the interventionist is also administering Level II screeners, when is the time to screen and serve? How do we document compliance with timelines? Does this section apply equally to K-3 and 3-12?

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. Section 6.01 does apply to all grade levels.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [6.02] Do all areas need to be remediated? How do we define "remediated"? Will this be clarified in the future?

Division Response: **Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [6.03] Can data be from program assessments, or are other assessments required? Will individual reading plans and reports be clarified in the future?

Division Response: **Comment Considered, no changes made. Guidance will be provided in the Dyslexia Resource Guide and from the assessment team.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist,  
6/10/2024

Comments: [7.01] Should it read "Notified of the results of the dyslexia screening" instead of evaluation? Is the suggested Level II assessment a screener or evaluation? Isn't the initial screener (Level I and Level II) sufficient to demonstrate the need for dyslexia intervention?

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-604(a)(1).**

Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024

Comments: [7.01.2.2] Consider adding "independent" before comprehensive dyslexia evaluation.

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-604(a)(1).**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024

Comments: [9] Shouldn't we use "characteristics of dyslexia" instead of "identified with dyslexia"?

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-606(b)(3). 9.02.3.1 is included to address the concerns underlying this comment.**

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Commenter Name: Summer Swaim, Rogers Public Schools, K-12 Dyslexia Specialist, 6/10/2024

Comments: [14] Shouldn't the "Resource Guide" be renamed to a handbook or guidebook? Shouldn't the entire document be revamped to match the organization and informativeness of guides from other states like Texas, Ohio, and Massachusetts?

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-610(b)(1).**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [3.01 & 3.02] What is the Purpose of 3.01 "alphabet knowledge" and 3.02 "decoding" being defined?

Division Response: **Comment considered; no changes made. The terms are defined because the terms are utilized in both the statute and the rule.**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [3.06] With the new proposed rules and regs with the timeline and lack of staff. I do not know how the one person in our district can attend the RTI meetings, screenings, and analyzing, and determining appropriate interventions can happen. Dyslexia is not directly funded. There is one person in our district that tests everyone for dyslexia. With the added timeline and testing, there will not be time left for the person to attend RTI meetings. Does that mean the Co-Op will send someone to support this? We have 12 schools. Will they attend all of the RTI meetings to assist with this?

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [3.08] The law says a dyslexia program; however, the proposed rules say a specialized reading program. This is very confusing and could be very costly if districts have to look for new specialized reading programs while they already have specialized dyslexia programs in place. According to research, a specialized dyslexia program is more appropriate than a specialized reading program. Additionally, a specialized reading program is what is used for intervention with students without dyslexia.

Division Response: **Comment considered; no changes made. The definition for “dyslexia therapy” referred to in this comment was reflected verbatim from definition in statute. A.C.A. §6-41-602(6). Furthermore, no change has been made to this portion of the rule by the draft amendment except the section is renumbered due to the inclusion of new definitions.**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [3.05.1] What defines a “logical plan of presenting the alphabetic principle”?

Division Response: **Comment considered; no changes made. The definition for “dyslexia program” referred to in this comment was reflected verbatim from definition in statute. A.C.A. §6-41-602(5). Furthermore, no change has been made to this portion of the rule by the draft amendment except the section is renumbered due to the inclusion of new definitions.**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [3.05] 24 letter-sound plan is missing from the proposed rules and regs. Does that mean the 24-letter-sound plan does not have to be taught?

**Division Response: Comment considered; no changes made. No, the 24-letter-sound plan is described by a “logical plan of presenting the alphabetic principle” which is included in the rule.**

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**Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024**

**Comments: [3.09] Does this mean Kindergarten students who start school to learn their letters and sounds have to go into dyslexia intervention? This is K standards. Why don't the students have time to acquire the knowledge before putting them straight into intervention? This will panic a lot of parents and upset them.**

**Division Response: Comment considered; no changes made. The two strongest predictors of reading difficulties at the beginning of kindergarten (even before instruction) are alphabet knowledge and phonemic awareness. Cut scores will be based on standard setting and research best practices.**

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**Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024**

**Comments: [3.11] Language comprehension is something a speech-language pathologist addresses. Most dyslexia programs do not address this. If this is the case, will curriculum be provided and what are the time limitations for fidelity.**

What will be used to determine “grade-level” reading?

**Division Response: Comment considered; no change made. Language comprehension is part of the simple view of reading which is reading comprehension equals decoding and language comprehension. All teachers help to develop language comprehension. The required components of the dyslexia program include language comprehension i.e. linguistic components. If a program does not have linguistic components, it must be supplemented.**

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**Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024**

**Comments: [4.01] With a computer using AI to score screeners and testlets, how does this ensure we get the best data?**

Is there a protocol/guidance in place on what to do if there is a question about the validity of the results a student may receive?

**Division Response: Comment Considered, no changes made. Guidance will be provided in the Dyslexia Resource Guide and from the assessment team.**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [4.02.7] Language comprehension is something a speech-language pathologist addresses.

Division Response: **Comment considered; no changes made.**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [4.05] This timeline is shorter than SPED. How is one person supposed to screen this many students? Let's say the district has K-3 2,400 students in K-3. Now say half flagged because it was on a computer. How is one person supposed to manage 1,200 students? Many of the dyslexia coordinators teach students as well.

This is the testlet.

3rd grade- If you have 10 elementary schools and 1000 3rd graders. Let's say

half-flag. That is 500 students that need a level II. Those tests are given 1 on 1 and take at least an hour and a half to give. Then add another half hour to write the report. Plus, the law says we have to get parental consent. How is one person supposed to complete this in the timeline given? SPED has 60 days to test and another 30 to hold the conference. They have several examiners and they are not testing students (full evaluation) based on screeners. They use data from the classroom, RTI progress, and other sources. The added parts to the level II testing are basically SPED testing without IQ testing. This is an impossible task for one person. Dyslexia needs to be funded to hire more staff to be trained, or these rules need to be changed. The cost of our district to hire a paraprofessional is \$30,000 and a teacher is \$70,000 School districts are trying to do the best things for students; however, they are not equipped to handle this. Many of the dyslexia coordinators teach students as well. This is putting the cart before the horse. Will staff from DESE be helping districts test to meet these timelines??

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [6.01] What is "early intervention"?

The law states that parents have to be notified. Many times parents are not available to meet within a 7 day time frame to inform them of their child's test results to have permission to place them in therapy.

What is considered early intervention? Any approved DESE reading intervention?

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP. Early intervention is intervention which complies with the requirements of this rule.**

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**Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024**

**Comments: [6.03.3] Will DESE provide the progress report? What if the dyslexia program does not have progress monitoring under each defined area: decoding, word recognition, spelling, and fluency? Will DESE provide the progress monitoring assessments? Also, what are the grade level requirements since there is not a standard for grades**

**7-12.**

**Division Response: Comment Considered, no changes made. Guidance will be provided in the Dyslexia Resource Guide.**

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**Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024**

**Comments: [9.01] The Arkansas Dyslexia Resource Guide has been taken off DESE’s website this year and then put back on. We have been told it will be updated for two years now.**

**Division Response: Comment considered, no changes made.**

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**Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024**

**Comments: [10.01] Will the dyslexia specialist at DESE come to schools to help provide therapy and testing if the current proposed rules and regulations are approved? Districts do not have the staff to provide everything that is being asked.**

**Division Response: Comment considered; no changes made. No.**

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**Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024**

**Comments: [10.02] Will the dyslexia specialist at Co-op come to schools to help provide therapy and testing if the current proposed rules and regulations are approved? Districts do not**

have the staff to provide everything that is being asked. The cost of our district to hire a paraprofessional is \$30,000 and a teacher is \$70,000

**Division Response: Comment Considered; no changes made. The ADE does not have information regarding the prospective services that may be offered by co-ops.**

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Commenter Name: Taylor Doan, Bryant Public Schools, 6/10/2024

Comments: [14.01 et seq] Was there a committee to sign up for to work on the Dyslexia Resource Guide or was it all done in house with DESE Co-Op and DESE dyslexia specialists? Was anyone that is an educator in our public schools involved? Where can a list be found of those participants?

**Division Response: Comment Considered; no changes made; The Dyslexia Resource Guide will be approved by the Dyslexia Resource Guide committee.**

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Commenter Name: Stephanie Worthey, Greenbrier Public Schools, Assistant Superintendent, 6/10/2024

Comments: Below is feedback that I would like to submit for some clarification of the rules as well as some formal opinions on the process. I have been the district dyslexia coordinator for 5 years, prior to that I was a building administrator, as well as a dyslexia interventionist. I also have a son who is dyslexic and through the right interventions and supports has overcome dyslexia and is a thriving upcoming sophomore in high school. He was diagnosed in the 2nd grade so I have been on all sides of this learning disability. Thank you for considering my input.

15 day timeline for testing - is this school days or calendar days? Level two screeners take approximately two hours per student to give. The 15 day timeline is not appropriate for districts and is so much more stringent than IDEA timelines or has the definition of level II screeners changed and this would be more like acadience and encoding screeners? For our level II screeners we used the WIAT, which falls into the comprehensive dyslexia evaluation. If they fail level 1 screeners they should be given early interventions but they shouldn't be required to go into approved dyslexia interventions (4.06 and 6.00). That takes out the RtI process and does not give our other interventions a chance to work. Oftentimes they just needed additional exposure to learning and will respond to the early interventions that will be provided immediately. If we place them into an approved program immediately then they are locked in until they complete the dyslexia program, which with fidelity could take them 1-2 years.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. Regarding the final sentence of the comment, additional language was added**

**in 6.02 to better define the circumstances under which dyslexia intervention can be discontinued.**

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Commenter Name: Stephanie Worthey, Greenbrier Public Schools, Assistant Superintendent, 6/10/2024

Comments: [4.00 & 5.00] 5.0 - References required screening for 3-12, which contradicts 4.00 for required screeners for 3rd grade. This needs to be changed to 4-12. Third grade is already covered for screening in section 4.00

Division Response: **Comment considered; no changes made. The language upon which comment is based is statutory. However, the inclusion of third grade students in both section four and section five simply allows for an opportunity to have two mechanisms for identifying third grade students in need of dyslexia intervention.**

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Commenter Name: Stephanie Worthey, Greenbrier Public Schools, Assistant Superintendent, 6/10/2024

Comments: [6.02 & 6.03.1] 6.02 and 6.03.1 contradict each other, one says early intervention can stop when the deficit areas are remediated the other one says that they have to progress until they complete the dyslexia program

Division Response: **Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued.**

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Commenter Name: Stephanie Worthey, Greenbrier Public Schools, Assistant Superintendent, 6/10/2024

Comments: [6.04.1] It says a special education teacher can provide dyslexia interventions but shouldn't that person also be trained in a dyslexia program?

Division Response: **Comment considered; language was added to clarify that all persons delivering dyslexia intervention under an IEP must be trained in the dyslexia program.**

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Commenter Name: Stephanie Worthey, Greenbrier Public Schools, Assistant Superintendent, 6/10/2024

Comments: Clarification for levels - What are level 2 screeners?

Now it is saying that what used to be level 2 screeners are now called Independent, comprehensive dyslexia evaluation. Are these still considered level 2 as nowhere else is the Independent comprehensive dyslexia evaluation referenced ?

**Division Response: Comment considered; no changes made. All references to “independent comprehensive dyslexia evaluations” are pursuant to A.C.A. §6-41-604(b). This language in the rule is unchanged by the draft amendment and is not related to level II screeners.**

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Commenter Name: Stephanie Worthey, Greenbrier Public Schools, Assistant Superintendent, 6/10/2024

Comments: Clarification needed for which students are coded for receiving interventions for COD. Is this all students receiving early interventions based on level 1 and 2 screeners?

**Division Response: Comment considered; no changes made. Any student demonstrating a need for dyslexia intervention on Level I (K-2) or Level 2 (3-12) receiving intervention should be marked as receiving intervention.**

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Commenter Name: Stephanie Worthey, Greenbrier Public Schools, Assistant Superintendent, 6/10/2024

Comments: [12.02] Can districts not provide their own PD for professional awareness. Especially for those who have RISE trainers within their districts.

**Division Response: Comment considered; no changes made. The professional awareness training is a one-time requirement. Schools should assure teachers: 1) understand the requirement of screening any student experiencing difficulty, 2) indicators that a student experiencing difficulties might be experiencing difficulties due to dyslexia, and 3) the protocol for referring a student for screening. RISE training doesn't address dyslexia.**

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Commenter Name: Paige Mears, 6/10/2024

Comments: I feel the rules are missing an important piece of this puzzle. Parents are required to give permission for a child to have a Level 2 evaluation. This permission has not been factored into the time line. It often takes days to get parents to sign and return written consent. This 15 day time line does not take that information into account.

I feel a 30 day timeline would be more feasible. If this proposed 15 day time line falls within a school holiday break it would be very hard to obtain permission and get the assessing complete in this time frame.

Another important factor to consider is if a dyslexia specialist is the person who provides intervention and also does the Level 2 assessment. This occurs in many of our districts. Many districts hire just enough interventionist to cover the load and providing interventions with fidelity keeps them busy and not a lot of free time for assessing. The rules need to include guidelines and clear instructions on how districts are to implement this new timeline and what position does what job.

The law is a good start! But since the beginning, the law has lacked funding for Dyslexia intervention and that has been the sentiment in many of the districts where I have been employed all over the state.

Thank you for your time to hear our concerns.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Karen Hamerick, "large NWA School", Reading Interventionist, 6/9/2024

Comments: [3.17.2] Good day,

I am a reading interventionist serving in a large school district in Northwest Arkansas. I have some concerns with the changes in the Dyslexia Screening and Intervention proposal. I know your time is important so I will try to make this clear and concise.

3.17.2 Evidence of minimum skill levels for reading competency in one or more of the areas of phonological awareness, phonics, vocabulary, oral language skills, reading fluency, and reading comprehension documented on consecutive formative assessments or documented in teacher observation data.

- The wording of this will encompass a large number of students who may be English language learners, those with lack of instruction in the Science of Reading, those with severe cognitive development, or not exposed to vocabulary through a text rich environment.
- Define consecutive
- Teacher observation data could subjective

**Division Response: Comment considered; Language was also added to clarify that language acquisition is a factor which can be considered along with dyslexia screening to determine whether interventions are necessary. The term consecutive, as used in the rule, has the common meaning which in this context is one instance following a prior instance without any intervening break in sequence.**

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Commenter Name: Karen Hamerick, "large NWA School", Reading Interventionist, 6/9/2024

Comments: [4.01] A school district shall screen all students in kindergarten, grade one, grade two, and grade three (K-3) using a high quality, evidence-based screener approved by the Division of Elementary and Secondary Education and that is integrated into the statewide student assessment system.

- If this is on the computer, the data can be flawed. You need to watch a student take one of these computerized tests, especially younger students. Kindergarteners will just randomly click or choose pictures of things they like (I like cats). Young students lack computer skills or the understanding of the importance of these tests. Kids often rush through just to get done. It is not accurate data and to screen kids based on inaccurate data would be a waste of valuable instruction time. Have at least 2 different data points for this and one of them should not be using a computer.

Division Response: **Comment considered; no changes made. The department is vetting the assessment rigorously to ensure the integrated dyslexia screener is effective**

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Commenter Name: Karen Hamerick, "large NWA School", Reading Interventionist, 6/9/2024

Comments: [4.05] If a student is identified by the assessment required under Section 4.01 as indicating early signs consistent with the characteristics of dyslexia or a substantial reading deficit, that student shall be administered a dyslexia screening within fifteen (15) days of the screening.

- At the beginning of the school year, students do not test well. They have to get back into a learning environment. To screen all students who flag on the beginning of the year assessment, before intervention and instruction can get them back on track is unreasonable. The RTI process is not mentioned at all. Why screen a student who has not been instructed in the deficit areas? To screen all who flag within 15 days takes a huge chunk of instruction time away from the interventionist (level one screeners) and will be near impossible in a district as large as ours who all test at the same time (level 2 screeners).

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Karen Hamerick, "large NWA School", Reading Interventionist, 6/9/2024

Comments: [5.01] A school district shall screen any student in grades three through twelve (3-12) experiencing difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance.

- Some students are slow readers but can comprehend. Choose your criteria for fluency carefully or look at accuracy and comprehension. The end point is comprehension.
- Encoding accuracy is often acquired through exposure to words through reading. Please allow for phonetic spelling in at least grades 3-4.

Division Response: **Comment considered; no changes made.**

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Commenter Name: Karen Hamerick, "large NWA School", Reading Interventionist, 6/9/2024

Comments: [5.04] If the results of a screener required under Section 5.01 identify that a student exhibits deficits in fluency or spelling, the school district shall administer a Level II dyslexia screening within fifteen (15) days of the screening.

- This is beyond what even a big district like ours can handle. Testing requires 8 or so hours of work time for each student. Under the IDEAS act, 60 days are given. This is a better time frame although I still feel assessing without the RTI process is absurd.

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Karen Hamerick, "large NWA School", Reading Interventionist, 6/9/2024

Comments: [6.01.1] Dyslexia interventions shall be provided beginning no more than seven (7) days from the date the student is identified.

- You are going to need to give the districts more money to provide for all the interventionists needed for the amount of kids identified.
- This will also disrupt groups as kids move in and out of dyslexia intervention.
- Limiting students to a slow moving intervention for dyslexia will delay the necessary skill acquisition. If they are misidentified due to lack of instruction or the other areas I mentioned above, they will be stuck in that slow moving intervention. There are better programs to intervene for students lacking one or two specific deficits. The intervention teacher can address those skills specifically.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Karen Hamerick, "large NWA School", Reading Interventionist, 6/9/2024

Comments: [6.02] Early intervention provided pursuant to this rule shall continue until the deficit areas are remediated.

- Students with dyslexia may struggle with fluency and encoding for the rest of their lives but be able to comprehend the text. It would be detrimental to them to keep them in intervention after they have developed coping strategies or have accommodations for those areas.

I realize this is long, but I hope you will take the time to consider each point. Arkansas kids are worth it.

**Division Response: Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued.**

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Commenter Name: Jake Beers, Springdale Public Schools, Elementary Lead Instructional Specialis, 6/7/2024

Comments: To Whom It May Concern;

I am writing as the K-5 instructional specialist/dyslexia coordinator for Springdale Public Schools. I wanted to address the proposed timeline of completing the level II dyslexia screener within 15 days. I support and welcome the adoption of a statewide literacy screener K-3. The consistent data between schools and districts statewide will be highly advantageous in student identification. While early identification and intervention are critical, I believe the proposed timeline is not feasible for several reasons.

1. Accuracy / Misdiagnosis Concerns: Rushing through the level II screening process might compromise the accuracy of our results. Dyslexia screenings require careful attention to detail with multiple tests administered to ensure reliability. The proposed 15-day screening timeline is substantially shorter than the special education timeline for testing (60 days to conduct the testing with another 30 days to report results and meet with parents)
2. Staff/Resource: Conducting screenings for a large number of students within such a short timeframe will strain our resources and personnel. We are unsure how many level II screeners we will need to conduct, but as the largest district in the state, it might be a substantial number. It's essential to allocate sufficient time for scheduling, conducting assessments, and processing diagnostic results.

3. Unexpected Circumstances: Districts need to be able to account for unexpected issues like scheduling conflicts, staff/student absences, lack of testing booklets or manuals, or participants requiring additional support or accommodations. These factors could disrupt our timeline if not adequately addressed.

With these factors in mind, I propose revisiting the timeline to allow for a more realistic timeframe of at least 45 days and providing financial support for school districts in acquiring ample Level II testing kits, student booklets, and staff training.

I believe this adjustment will ensure a comprehensive and accurate dyslexia screening process. In subsequent years as schools gain the personnel and system to carry out this testing more efficiently a shortened timeline could be proposed, however with this being the first year of the K-3 screening implementation please consider a revision to the testing timelines and providing screening funding.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Dr. Carrie Bradow, Springdale Public Schools, Dir. Of ESL Programming and Services, 6/7/2024

Comments:

To Whom It May Concern:

The proposed rules for Dyslexia Screenings and Interventions do not include resources and guidance for students from multilingual backgrounds. This will cause possible overidentification of students learning the English language as having the characteristics of dyslexia. Research-based recommendations and guidance are needed to support the language and literacy development needs of the approximately 10% of students in Arkansas that are served in English Learner programs.

Our team supports the English language acquisition of over 7,500 students (36% of our overall student population). The teachers, specialists, and administrators across the state are needing specific guidance aligned to the research available in identifying dyslexia characteristics in multilingual students in order to adequately meet their language and literacy needs.

The current research suggests that the same assessments used for dyslexia characteristics overlap with the developmental processes of acquiring an additional language and these assessment data should be used as a part of an overall picture to determine if a multilingual student needs interventions for dyslexia or time to develop a deeper understanding of the English language.

This guidance should be included in our rules to avoid limiting the data set used to determine interventions for dyslexia characteristics.

For example, a student that is learning the English language would be better served with additional time to develop and practice English in order to deepen their English language comprehension before discrete skill assessments can be seen as a reliable source for documenting characteristics of dyslexia. If any monolingual (English only) speaker was asked to complete a dyslexia screening in a new language, they may possibly identify as having characteristics of dyslexia due to the fact that they are not familiar with the language used in the assessment.

Please consider the following when making your decision:

- All students can participate in the level 1 screening on the ATLAS platform, however,
- considerations should be made for students served in EL programs.
- Building and district level teams can determine the next steps for EL students with characteristics
  - of dyslexia based on the level 1 screener and additional teslets. This can include:
    - o Determining the language development level and growth for the student with grade alike peers.
    - o Identifying any interruptions in formal education. SLIFE (students with limited or interrupted
      - o formal education) may have greater gaps that are not characteristics of dyslexia, but assessment data can show these skills are missing.
      - o Examining the growth of a student’s English language over time to determine if there is a gap in listening and speaking skills to reading skills.
      - o Reviewing family history, since it has been found that dyslexia can be hereditary in any language.
      - o Creating a specialized team of experts that understand both literacy and language acquisition
        - o to help in determining the most suitable interventions to support students to reach grade level reading proficiency.

ELs need explicit instruction in both literacy and language. The proposed rules do not attend to these factors and can negatively impact the language acquisition of ELs if they are placed in an intervention that is not developmentally appropriate.

Thank you for your consideration

**Division Response: Comment Considered; Language was also added to clarify that language acquisition is a factor which can be considered along with dyslexia screening to determine whether interventions are necessary.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: As a dyslexia specialist in the public schools, I have several concerns with the proposed rules for Dyslexia Screenings and Interventions.

I am concerned that RtI is not considered as an appropriate approach to intervention when research shows that the process is highly effective. The rules lack specificity using "dyslexia intervention" and "intervention" or "training dyslexia interventionist" and "trained interventionist".

All students with a reading deficit should be provided the best interventions; however, the focus on students with dyslexia seems to be replaced by a focus on any student with a substantial reading deficit without considering the individual's reading profile. Furthermore, not all approved dyslexia interventions are appropriate for all students with a substantial reading deficit which is important to note if all students with a substantial reading deficit are expected to enter a dyslexia intervention program until their deficits are remediated.

I have several questions regarding the following items: (See following comments)

Division Response: **Comment considered; no changes made. A.C.A. §6-41-603(a)(3)(B) requires that this rule ensure students with a “substantial reading deficit” are consistently identified separate from students with “early signs consistent with characteristics of dyslexia.” Defining the term “substantial reading deficit” is necessary in order to ensure compliance with A.C.A. §6-41-603.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [3.17] The definition of “substantial reading deficit” - How will this cut score be determined? Since the state assessment has not been normed, does it qualify as a high quality, evidence-based screener?

Division Response: **Comment Considered, no changes made. The Department will collaborate with a panel of educators and national advisors to establish cut scores through a standard-setting process. These scores will be informed by state-specific impact data, research-based measures, and expert guidance.**

**Additionally, the state will conduct a study in fall 2025 using a sample group of Arkansas students who take DIBELS to help validate and confirm that the identified cut scores are appropriate.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [4.01] Since the state screener embedded in ATLAS has not been normed, does it qualify as a high-quality evidence-based screener?

Division Response: **Comment Considered, no changes made. Yes, the Department is currently working through the process of setting appropriate cut scores. These decisions are being guided by national benchmarks, expert input, and state-specific impact data.**

**As part of this process, all assessments must go through a validation phase. While normative methods are one way to establish cut scores, they are not the only valid or reliable approach we consider.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [4.03] This screener is computer-based. Is it a fair assumption that all kindergarten students will begin school with the necessary skills to take a computer-based assessment? Are there no alternatives or guidance to use DIBELS as a follow-up to validate the computer results? Testlets for level 1 are also computer-based.

Division Response: **Comment Considered, no changes made. The department is conducting a study in the fall of 2025 using a sample group of Arkansas students who will take DIBELS and ATLAS to help validate and conform that the identified cut scores are appropriate.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [4.05] timeline. Following this 15 day timeline does not allow for response to instruction or tiered interventions. 15 days to complete a level II screener and communicate results to parents is unrealistic when it is likely that multiple students will flag on a computer-based assessment. Should timelines not more closely align to IDEA?

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [4.06] Does this mean that all students with a substantial reading deficit in ONE area will be placed in the dyslexia intervention program without a chance to respond to targeted interventions that are based on the student's reading profile?

Division Response: **Comment considered, no changes made. The presence of a substantial reading deficit merely requires that the student receive dyslexia screening. If the reading deficit is not the result of characteristics of dyslexia, the screener will not require the student to receive dyslexia intervention.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [5.01.1] Does this mean that any student grades 3-12 who is not proficient on the state assessment should be administered diagnostics for fluency and spelling and, if either are not at grade-level, the student should be given a level 2 screener within 15 days? This does not take into account other factors that impact reading such as low cognitive abilities, absenteeism, lack of reading exposure, or other disorders that also impact reading,

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. As the language of the rule amendment states, the state assessment “may” inform the local educators in this decision. The use of the word may does not create a mandate and allows local educators the discretion to exercise their judgment on what weight to give assessment results in determining whether a student should be identified as required dyslexia screening under 5.01.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [5.04] Following this 15 day timeline does not allow for response to instruction or tiered interventions. 15 days to complete a level II screener and communicate results to parents is unrealistic when it is likely that multiple students will flag based on a computer-based assessment. Should timelines align with IDEA?

Many districts do not have the capacity to meet these timeline requirements.

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [5.05] Will all students with reading deficits be placed in dyslexia intervention or targeted interventions based on their reading profile? Requiring all students with a substantial reading deficit to be placed immediately in comprehensive dyslexia intervention creates an unsustainable system and bypasses highly effective practices like responses to intervention that provides intervention based on individual student needs.

Division Response: **Comment considered; no changes made. The presence of a substantial reading deficit merely requires that the student receive dyslexia screening. If the reading deficit is not the result of characteristics of dyslexia, the screener will not require the student to receive dyslexia intervention.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [6.01.1] If a screener identifies the student as needing dyslexia intervention then the intervention shall begin no more than 7 days from the date of being identified. This would require students identified in HS to move mid-semester to Academic Reading and have the loss of .5 academic credit. Loss of credit can impact graduation requirements.

Division Response: **Comment considered; no changes made. The policy that students must receive timely intervention is established in law and the attendant consequence of this policy cannot be mitigated within the scope of this rule. However, a high school student would only be subject to the requirements of this rule when difficulty in fluency or spelling is documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance. Consistently, the decision whether to place a high school student in dyslexia screening and ultimately intervention has a subjective component not present in the K-3 context.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [6.02] Exit criteria is vague. What does deficit areas are remediated mean? How will this be measured? Dyslexia is life-long and areas such as fluency and spelling may never be fully remediated if they are required to achieve a standard score of 90 on a formal assessment. Students do however develop coping strategies and use accommodations to allow them to be successful in the classroom. Students with substantial reading deficits due to other factors may never achieve standard scores in the average range, but can still be successful in college through access to accommodations.

**Division Response: Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued. In addition, opportunities exist to receive high school credit for dyslexia intervention.**

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Commenter Name: Patty Hawkinson, Bentonville Schools, Dyslexia Therapist, 6/6/2024

Comments: [6.03.3] How will these four areas be assessed towards grade-level for all students in K-12? Diagnostic assessments do not typically include measures for all grades K-12.

**Division Response Comment considered; no changes made. The department is vetting the assessment rigorously to ensure the integrated dyslexia screener is effective**

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Commenter Name: Lesley Nelms, Hamburg School District, Fed./Special Programs Coordinator, 6/6/2024

Comments: To Whom It May Concern:

This is in regards to the DESE Rule Governing Dyslexia Screenings and Interventions.

There is a concern on the Level 2 Screeners that must be given to the 3rd graders that are identified as having characteristics of dyslexia. ADE has approved highly qualified instructional materials (HQIM) that school districts are only allowed to purchase using taxpayer dollars. The main push with HQIM is the materials must be used with fidelity. The same is also being said with the dyslexia intervention program. I would say the same would be expected with what the dyslexia resource guide lists as Level 2 screeners. My concern is that the current pending rules are requiring 3rd graders to be given Level 2 screeners within 15 days after showing a deficiency when they are to take the K-3 Screener. The K-3 screener will be given 3 times a year and a student may show deficiencies after each time. The Level 2 screeners listed in the current dyslexia resource guide are published with recommendations on how often they are to be given before being readministered. Some of the recommendations for the Level 2 screeners do not allow for using 3 times a year. The publishers also have requirements for those that administer the Level 2 screeners that are listed in the current dyslexia resource guide. Some of the ones that are mentioned require a qualification level of B.

Will the current language ask districts to not use Level 2 screeners with fidelity on testing administration? If so, how will this not conflict with the Code of Ethics for Standard 6?

I'm including what Pearson states about the CTOPP-2.

<https://support.pearson.com/usclinical/s/article/Clinical-Customer-Support-Test-Retest-Minimum-Time-Advice>

Will the current language also ask districts to have staff administering the Level 2 screeners and they do not meet the required qualification level by the publisher? If so, how will this not conflict with the Code of Ethics for Standard 2?

Due to the pending language stating characteristics of dyslexia, the K-3 screener may be used as a predictor of students that may struggle with reading. Once a Level 1 or 2 screener is given and a child is still showing a deficit, at this point we are treating Level 1 and 2 screening as a diagnostic. An educator then is suspecting a child with a specific learning disability, which dyslexia does fall under that category in IDEA. The educator is then tasked with making a special education referral. The pending language does not provide time for proper progress monitoring to eliminate exclusionary factors or provide parent involvement and input in committee meetings to uphold parent and student rights. Automatically stating that a student must begin dyslexia interventions without taking into account other considerations for the lacking performance does not excuse the district from federal responsibilities on providing appropriate instruction and services based on specific needs of students after reviewing the evaluation that is conducted by a properly licensed educator. There is a purpose for how the special education referral timeline is constructed.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added to prevent a student from repeatedly flagging in the assessment and found not to require intervention by the screener.**

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Commenter Name: Jenny Opdenbrouw, Bentonville West High School, Academic Reading, 6/6/2024

Comments: [3.17] Good afternoon,

I have reviewed the proposed changes to the Dyslexia Screenings and Interventions rules. I have a few concerns and they are listed below followed by an additional note.

Here are my concerns:

3.17 - The definition of "substantial reading deficit" as it is written would include ALL students not reading on grade-level including those with lack of instruction, severe cognitive deficits, or any other possible cause beyond dyslexia.

**Division Response: Comment considered; no changes made. The presence of a substantial reading deficit merely requires that the student receive dyslexia screening. If the reading deficit is not the result of characteristics of dyslexia, the screener will not require the student to receive dyslexia intervention.**

Commenter Name: Jenny Opdenbrouw, Bentonville West High School, Academic Reading, 6/6/2024

Comments: [Sec 4] Section 4 - Statewide Assessment - assuming that is ATLAS, correct? Does this mean a Level 1 screening or are these the testlets from ATLAS for K-2?

This is based on a single assessment and not on multiple data points. No tiered interventions have been implemented to determine the persistent deficit as outlined in 3.15. History information is not considered.

Division Response: **Comment considered; no changes made. The Level I screening is provided using ATLAS testlets.**

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Commenter Name: Jenny Opdenbrouw, Bentonville West High School, Academic Reading, 6/6/2024

Comments: [Sec 5] Section 5 - contains the requirements screening for grades 3-12. A district shall screen any student experiencing difficulty in fluency or spelling as identified by ... a person with knowledge of the student's academic performance. This may be informed by the state assessment.

If identified, the student shall be given a screening measure for oral reading fluency and encoding within 15 days of identification (we currently do a diagnostic screening). If the student is found to have a spelling or fluency deficit (based on the results of the diagnostics) then they shall be given a level II screener within 15 days. This timeline is a concern. This new process of identification may flag more students (false positives), a 15 day turnaround will require additional support. Level II screeners can be completed by CALTs or examiners. We do not currently have the staff assigned to the dyslexia program to allow us to meet the timeline requirements, so it would require support from building psych examiners. Testing protocols are expensive and the process from identification to communication can take 8 man hours per report. Test administration can take 2-3 hours depending on assessment components selected, plus compiling RtI history, the assessment scores and evaluating the results to add the data to report and determine implications..

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Jenny Opdenbrouw, Bentonville West High School, Academic Reading, 6/6/2024

Comments: [Sec 6] Section 6 - If a screener identifies the student as needing dyslexia intervention then the intervention shall begin no more than 7 days from the date of being identified. Students identified in HS would move mid-semester and risk the loss of academic credit.

Division Response: **Comment considered; no changes made. The policy that students must receive timely intervention is established in law and the attendant consequence of this policy cannot be mitigated within the scope of this rule. However, a high school student would only be subject to the requirements of this rule when difficulty in fluency or spelling is documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance. Consistently, the decision whether to place a high school student in dyslexia screening and ultimately intervention has a subjective component not present in the K-3.**

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Commenter Name: Jenny Opdenbrouw, Bentonville West High School, Academic Reading, 6/6/2024

Comments: Exit criteria is established - “ this rule shall continue until the deficit areas are remediated.” This includes foundational reading skills and language comprehension. Dyslexia is lifelong. Students may continue to struggle with spelling and fluency, yet develop coping strategies to be successful in the classroom and life. If they remain in intervention into high school, this may impact their ability to meet graduation requirements if they need credit recovery. It is unclear how “remediated” shall be measured

Thank you for reading my above concerns. I am in a unique position as I have a daughter who is dyslexic and receives intervention at school and I am an intervention teacher. My daughter is in elementary school and I teach high school. These changes are bad for students of all ages. My concern is that these changes could easily result in a flood of students enrolled in dyslexia intervention, including a large portion of students for whom this type of intervention would not be the most effective. This approach is neither individualized nor best practice for those students and these changes would result in over identification which is not supported by research and would jeopardize services for those students who truly have dyslexia and/or characteristics of dyslexia. These changes are not what is best for students. My daughter works harder than 98% of her peers and she deserves an educational system that works equally as hard for her! As an educator, but more importantly, a mom, I beg you to reconsider these changes and do what is best for students!

Division Response: **Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued. In addition, opportunities exist to receive high school credit for dyslexia intervention.**

Commenter Name: Kiki Crider, Bentonville High School, Academic Reading, 6/6/2024

Comments: [3.17] Dear Madam or Sir,

I am writing to you concerning the proposed changes to the Dyslexia law. As a dyslexia therapist at the high school level, I have several concerns. These concerns include:

3.17 The definition of “substantial reading deficit” as it is written would include ALL students not reading on grade-level including those with lack of instruction, severe cognitive deficits, or any other possible cause beyond dyslexia.

**Division Response: Comment considered; no changes made. The definition in 3.17 would not require that “all” students not reading on grade level be screened. It requires that students scoring at the “lowest” level on a screener subject to the dyslexia assessment but not all students reading below grade level fall into the “lowest” level. Furthermore, the second portion of the definition is designed to describe the same low level of achievement in the context of formative assessments or classroom observations.**

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Commenter Name: Kiki Crider, Bentonville High School, Academic Reading, 6/6/2024

Comments: [Section 4] Statewide Assessment= ATLAS, correct? Does this mean a Level 1 screening or are these the testlets from ATLAS for K-2?

This is based on a single assessment and not on multiple data points. No tiered interventions have been implemented to determine the persistent deficit as outlined in 3.15. History information is not considered.

**Division Response: Comment considered, no changes made. The ATLAS testlets are the means by which the Level I screening will be provided.**

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Commenter Name: Kiki Crider, Bentonville High School, Academic Reading, 6/6/2024

Comments: [Section 5] Section 5 contains the requirements screening for grades 3-12. A district shall screen any student experiencing difficulty in fluency or spelling as identified by ... a person with knowledge of the student's academic performance. This may be informed by the state assessment.

If identified, the student shall be given a screening measure for oral reading fluency and encoding within 15 days of identification (we currently do a diagnostic screening). If the student is found to have a spelling or fluency deficit (based on the results of the diagnostics) then they shall be given a level II screener within 15 days. This timeline is a concern. This new process of identification may flag more students (false positives), a 15 day turnaround will require

additional support. Level II screeners can be completed by CALTs or examiners. We do not currently have the staff assigned to the dyslexia program to allow us to meet the timeline requirements, so it would require support from building psych examiners. Testing protocols are expensive and the process from identification to communication can take 8 man hours per report. Test administration can take 2-3 hours depending on assessment components selected, plus compiling RtI history, the assessment scores and evaluating the results to add the data to report and determine implications..

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Kiki Crider, Bentonville High School, Academic Reading, 6/6/2024

Comments: [Section 6] Section 6 - If a screener identifies the student as needing dyslexia intervention then the intervention shall begin no more than 7 days from the date of being identified. Students identified in HS would move mid-semester and risk the loss of academic credit.

**Division Response: Comment considered; no changes made. The policy that students must receive timely intervention is established in law and the attendant consequence of this policy cannot be mitigated within the scope of this rule. However, a high school student would only be subject to the requirements of this rule when difficulty in fluency or spelling is documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance. Consistently, the decision whether to place a high school student in dyslexia screening and ultimately intervention has a subjective component not present in the K-3.**

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Commenter Name: Kiki Crider, Bentonville High School, Academic Reading, 6/6/2024

Comments: Exit criteria is established - “this rule shall continue until the deficit areas are remediated.” This includes foundational reading skills and language comprehension. Dyslexia is lifelong. Students may continue to struggle with spelling and fluency, yet develop coping strategies to be successful in the classroom and life. If they remain in intervention into high school, this may impact their ability to meet graduation requirements if they need credit recovery. It is unclear how “remediated” shall be measured.

As written, these changes could easily result in a flood of students enrolled in dyslexia intervention, including a large portion of students for whom this type of intervention would not be the most effective. Not only is this not individualized or best practice for those students, these changes would result in over identification which is not supported by research and would jeopardize services for those students who truly have characteristics of dyslexia. Even if the

school system could somehow find the appropriate personnel to implement these changes, this is not what is best for students. I implore you to reconsider these changes.

**Division Response: Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued. In addition, opportunities exist to receive high school credit for dyslexia intervention.**

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Commenter Name: Kellye Frazier, Greene County Tech SD, Dyslexia Coordinator, 6/5/2024

Comments: Hello,

I have several comments for consideration:

- I wanted to comment on the timelines from a special education perspective and someone who assess students with educational and behavioral needs for a living. In the special education realm, we have 21 days to contact the parent to hold a referral conference, 60 days once consent is obtained, and 30 days from our last component date to hold an evaluation conference and place. A 15-day timeline to assess immediately after screening results will create a mass number of students to be screened in a very short period, considering K-3 is mandatory. Then to add getting consent for a level 2 assessment at the 3+ grade level and obtaining hearing/vision assessments is going to be very improbable as well as writing reports and notifying parents within this brief time frame. Proceeding without consent to do assessments not mandated on ALL students is a huge breach of ethics and should not be considered. Also, the 7-day placement is very improbable for many districts. What if it is April 27th? What if a special education student is identified and an IEP amendment or change of placement is warranted? What if student placement is scattered? The timelines do not match, and we have limited resources and staff in the school to serve one or two students in interventions.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. Nevertheless, the intent behind the law requiring this rule amendment is to ensure intervention is provided early and is provided to all students who need it. The process under this rule is less involved than the process under IDEA.**

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Commenter Name: Kellye Frazier, Greene County Tech SD, Dyslexia Coordinator, 6/5/2024

Comments: • My second concern would be the 30-day mandatory screening at the beginning of the school year. Several students have summer regression or have not attended a preschool setting and will be flagged to serve in a restrictive 40+ minute dyslexia intervention. If you look at a response to intervention perspective, 80% of needs should be met in the general education setting. Especially on a new screener with staff having no knowledge on how to interpret results

or what percentage of our student population will flag. Will we look at the bottom 20%? Just at risk? (4.05.3) What about exclusionary factors noted in the previous regulations with visual impairment, hearing impairment, intellectual disability, etc. Say we look at the bottom 20% of 300 kindergarteners – that would be 60 students to gather level 1 data on, discuss exposure, exclusionary factors, and place immediately. Add 1st – 2nd and staff would have to look at 180 students minimum in 15 days.

**Division Response: Comment considered; no changes made. The requirement that K-3 students receive a high-quality literacy screener within 30 days of the start of school is required by law. A.C.A. §6-15-2097. These requirements and the requirements to screen for dyslexia under A.C.A. §6-41-603 are integrated into the ATLAS. Flagging in this assessment will only require dyslexia screening, not necessarily dyslexia intervention.**

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Commenter Name: Kellye Frazier, Greene County Tech SD, Dyslexia Coordinator, 6/5/2024

Comments: • How does interventions continue until deficit areas are “remediated” work? We can not exit and place students in and out of structured dyslexia interventions 3 times a year. Is remediated termed as to the expected level based on math achievement, commensurate skills, intellectual abilities? What if a student will always need accommodations due to fluency needs or a comorbid disability such as language impairment, autism, ADHD, etc.? It is not feasible for school districts to serve students in dyslexia interventions for several years.

**Division Response: Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued. Furthermore, the language of the rule is amended to clarify that there is a two part requirement to exit intervention which also includes completion of the program.**

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Commenter Name: Kellye Frazier, Greene County Tech SD, Dyslexia Coordinator, 6/5/2024

Comments: • We need guidance on how to provide this support with curriculum, scheduling, interventions, skill groups, etc. before mandating. The state needs to assist each school in using staff, resources, and scheduling for the most effectiveness. I agree timelines and more structure are needed to hold districts responsible. However, we need to acknowledge the limited resources and staff schools have to support a general education mandate of this extent. In addition, little information is known on what, who, how many student’s ATLAS K-3 screener will indicate.

**Division Response: Comment Considered, no changes made. The comment request guidance and agency action beyond the scope of the public comment process.**

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Commenter Name: Kellye Frazier, Greene County Tech SD, Dyslexia Coordinator, 6/5/2024

Comments: • One section of the bill indicates a dyslexia program approved by the division of secondary education for interventions (6.01); however, 8.00 indicates instructional strategies and optional services provided which does not align with approved dyslexia interventions. 8.00 is broader and more doable in regards to skill groups, targeted groups, inclusion, etc. and does not necessarily fit the criteria for the prior mentioned intervention (6.01).

Division Response: **Comment considered; no changes made. The language upon which comment is based is statutory.**

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Commenter Name: Julie Epley, Greene County Tech SD, 6/5/2024

Comments: Please consider extending the 15 day limit for testing and 7 day limit for placement in the updated rules for dyslexia.

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Heather Froman, Newport School District, 6/5/2024

Comments: Even with adequate staff to serve students' dyslexia needs, it is an unreasonable expectation that we could continue serving and testing all within the proposed time constraints.

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Megan Saunders, El Dorado SD, 6/5/2024

Comments: Will staff have access to information on the statewide assessment used for screening prior to school starting? And will it even be available within the first 30 days of school? How is it administered...individually or large group using technology? Will there be specific windows for the middle of year and end of year screeners?

For students referred by a teacher or family member, is there a formal documented process to ensure that screening is happening within 15 days?

For those that need a level two screener within 15 days, who is considered qualified to give that and how can a district deal with lack of qualified staff to give the level two screener? The level

two screeners use a formal scoring process that is not common to most educators, how do you ensure the appropriate delivery and scoring, if you have not mentioned who is qualified to give the more formal screener. Would it be appropriate to go ahead and list approved screeners within the rules for clarity purposes?

The timelines sound a lot like special education due process. Will permission from parents to evaluate a student at level 2 be required prior to giving the assessment? And will there be a way to document lack of attendance that impedes the screening timeline?

For students who are visually impaired or have trouble seeing, will an exception for the 15 days window in order for vision screening to take place? (They have to pass vision screening before they can be evaluated for special education services. Would dyslexia screening not be affected by vision deficits, as well?)

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, staff will have access to the necessary assessments to comply with the timeframes set out in the rule. Permission from parents to conduct evaluations under this rule is not required.**

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Commenter Name: Michelle Lane, Bay School District, Cert. Dyslexia Services Coordinator, 5/30/2024

Comments: [4.05] After reading the proposed rules concerning updates to our current Dyslexia Rules, I have a few concerns mostly stemming from the timelines provided.

4.05 If a student is identified by the assessment required under Section 4.01 as indicating early signs consistent with the characteristics of dyslexia or a substantial reading deficit, that student shall be administered a dyslexia screening within fifteen (15) days of the screening.

[5.03.2] Administer the screener within fifteen (15) days of the identification of the student in question.

[5.04] If the results of a screener required under Section 5.01 identify that a student exhibits deficits in fluency or spelling, the school district shall administer a Level II dyslexia screening within fifteen (15) days of the screening.

[6.01.1] Dyslexia interventions shall be provided beginning no more than seven (7) days from the date the student is identified.

I do not feel that it is reasonable to ask for Dyslexia screening to take place within 15 days. If all K-3 students take the assessment within a small window of time, there could potentially be a large number of students which would have to be screened within a very short time period and this would occur 3 times a year. These screenings are in addition to the Dyslexia therapy groups that are already being served daily. At our small district, as with most, the people providing

Level 1 and Level II screeners are also the ones with full schedules pulling therapy groups which are already in progress. Trying to balance time between the needs of our current students and the needs of those who need to be screened is not ideal. I understand there needs to be a timeline in place to ensure that all students are provided the services that they need, however, it needs to be a realistic time frame. There are only so many hours in a day that we get to work with our students. Please reconsider these proposed timelines.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Carol Brown, Valley View Public Schools, LEA Supervisor, 5/30/2024

Comments: Good morning,

Comments for Dyslexia Screening & Interventions

It appears that students who are unable to participate in the dyslexia screening will still be required to take the screening. Is this accurate?

Do students who are already identified have to participate in the dyslexia screening?

In regards to the 7, 15, and 30 day criteria are those calendar days or working days? I don't feel that these timelines are feasible when assessing mass numbers at the same time. These timelines are more stringent than IDEA.

It is very confusing with the K-3 section and then the 3-12 section and how one must proceed with 3rd graders.

**Division Response: Comment Considered, a change was made to clarify that students already participating in dyslexia screening will not need to participate in subsequent screening. In addition, a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. Regarding 3<sup>rd</sup> grade students, the law simply provides two mechanisms by which a third grade student may be identified for dyslexia screening.**

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Commenter Name: Carol Brown, Valley View Public Schools, LEA Supervisor, 5/30/2024

Comments: [5.01.1] "Difficulty requiring a screening under section 5.01 may be informed by the results of a statewide student assessment in addition to other considerations." What does this mean? Should it state difficulty acquiring a screening? What would be an example of that? Is this in regards to students who can't take the screening test?

Division Response: **Comment Considered, a change was made to clarify that screening under section five of the rule is informed by assessments but that assessments are not the sole or dispositive indication of whether a dyslexia screening is required.**

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Commenter Name: Carol Brown, Valley View Public Schools, LEA Supervisor, 5/30/2024

Comments: [5.03.1] What are the approved screeners by the DESE?

Division Response: **Comment Considered, no changes made. The Dyslexia Resource Guide will identify the approved screeners.**

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Commenter Name: Carol Brown, Valley View Public Schools, LEA Supervisor, 5/30/2024

Comments: [6.01.1] interventions shall be provided beginning no more than 7 days from the date the student is identified. How do you determine this, administration of the screening date? when someone writes it up in a narrative report?, or when it is shared with the parent?

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Carol Brown, Valley View Public Schools, LEA Supervisor, 5/30/2024

Comments: [6.02] Early intervention provided pursuant to this shall continue until the deficit areas are remediated. This piece does not seem feasible. That means a student could require remediation from K-12th grade. If they make adequate progress and have completed a dyslexia program and accommodations can be administered to support their weaknesses, why would we keep remediating? This sounds good in theory, but is not practical and adversely affects the student's ability to participate in other interest areas as they get older. It is also not feasible from a human resources perspective.

Division Response: **Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued.**

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Commenter Name: Carol Brown, Valley View Public Schools, LEA Supervisor, 5/30/2024

Comments: [6.03] Is the Individual Reading Plan different from the student success plan?

Division Response: **Comment Considered, no changes made. Yes**

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Commenter Name: Carol Brown, Valley View Public Schools, LEA Supervisor, 5/30/2024

Comments: [7] Are school psychology specialists allowed to form a private practice and practice outside of their educational setting? Can a school psychology specialist bill Medicaid and/or insurance for the independent, comprehensive dyslexia evaluation? When is the school psychology specialist allowed to test privately, what assessments can they utilize privately, and for what purposes? Can the school psychology specialist in private practice give an educational diagnosis? Can the school psychology specialist in private practice give a DSM-V diagnosis? At what point would it be appropriate for a school psychology specialist employed by a public school to administer a private evaluation? To my knowledge, a licensed school psychology specialist can not provide a DSM diagnosis that a Licensed Psychological Examiner can or has that changed? Has the scope of practice for a School Psychology Specialist expanded?

Division Response: **Comment Considered, no changes made. Financial and contractual issues relating to school personnel or billing for services are outside the scope of this rule.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [2.02] Please consider the following comments from Lakeside School District concerning DESE’s proposed changes to current rules governing dyslexia screenings and interventions in Arkansas:

- The note in this section states, “While these rules may use similar terms as set forth in IDEA, no provision of these rules is intended to supplant, or in any way conflict with, IDEA.”
  - o If an IEP student can receive dyslexia services in the special education setting (stated on page 38 of the current Dyslexia Resource Guide), and the DESE-approved dyslexia program prohibits group sizes larger than 6, how do the dyslexia requirements not conflict with the special education maximum class size of 10?

Division Response: **Comment Considered, no changes made. Conducting instruction with six students in a special education setting does not conflict with a permissive rule allowing ten students in other contexts.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [3.17.1] • “Substantial reading deficit” means one or more scores at the lowest achievement level on the new screeners or progress monitoring, OR “evidence” of minimum skill levels in phonological awareness, phonics, vocabulary, oral language skills, reading fluency, and/or reading comprehension.

- o What if these “substantial deficits” have already been identified and addressed through a child’s IEP? Will additional dyslexia screening be necessary

Division Response: **Comment Considered, no changes made. If dyslexia screening is indicated, the existence of an IEP is not an exception to dyslexia screening. However, if dyslexia screening has already been conducted pursuant to the IEP it will not need to be repeated.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [4.02.7] • The proposal states that the new required component for screening, Language Comprehension, means “the ability to understand both spoken and written language, including vocabulary and listening knowledge.”

- o How will the district be required to interpret a student’s low score in this component? Since most dyslexics are much stronger in listening comprehension than reading comprehension, will a deficit in language comprehension necessarily indicate characteristics of dyslexia? Will the measures of spoken and written language be separate on the screener?
- o At what point after the K-3 screening will a speech referral or screening be necessary, since these are also the SLP’s area of expertise?
- o If deficits in Language Comprehension on universal screening indicate the need for speech testing, how will districts staff additional SLP’s?

Division Response: **Comment Considered, no changes made. Referrals for speech are outside the scope of this rule. The inclusion of language comprehension does not alter the screening process and must be considered in light of all other factors.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [4.05] • At what point during this process will the new testlets be administered?

- o Will the 15 day timeline for additional screening begin after the initial screening or after the follow-up testlet?
- o Will parental consent for a level 2 screening still be required?

o If so, can the district give parents the ultimatum that the form must be returned in 2 or 3 days or the district will automatically proceed with testing? If not, how will the district be able to comply with 15 day timeline?

o

o On the topic of timelines, will there be flexibility for students who enroll late?

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [4.05.2] o Students in grade 3 shall be administered a level 2 dyslexia screening if they have one low score on universal screening.

So districts should skip the school-based intervention team process of examining all student data to look at the big picture of the child and base the decision for additional testing on one isolated data point?

**Division Response: Comment Considered. The obligation under this rule is to administer the assessment. New language in 4.05.4 clarifies that the larger picture should be taken into account but that the Level II assessment should be administered prior to this analysis.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [4.06] • Requires schools to provide a DESE-approved dyslexia

• intervention program to all students with one or more deficit areas on universal screening.

o How will districts staff this?

**Division Response: Comment Considered, no changes made. In 4.06, the rule simply requires dyslexia intervention be provided to those students who require it. The changes in this rule are targeted at identifying which students requires the intervention.**

---

Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [5.01] • 3-12 students “experiencing difficulty” in fluency or spelling, according to the opinions of teachers, parents, or anyone else, shall be “screened” (15 day timeline, according to 5.04)

- o Does this mean that a level 2 dyslexia screening will be required for every student showing deficits in reading on the statewide assessment (5.01.1)? If so, how will the statewide assessment score reporting isolate and pinpoint fluency and spelling to provide accurate data concerning those particular skills?

Division Response: **Comment Considered; a change was made in 5.01.1 clarifying that student assessments are to be considered in addition to other considerations. In the context of section five of the rule, test scores as dispositive as in the K-3 context.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [5.02] • What is the screening tool districts are required to use for 3-12 grade students that will measure ORF and encoding?

Division Response: **Comment Considered, no changes made. The Dyslexia Resource Guide will outline this information.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [6.01] • If a student is identified, the district has 7 days to begin an approved program.

- o Will high school students enrolled in credited courses be pulled from those to enter a different class designated for dyslexia intervention? If so, how will this affect a student’s ability to meet graduation requirements?
- o If parents want to opt out of the intervention, what is that process?

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024

Comments: [6.02] • Early intervention should continue until deficit areas “are remediated.”

- o How do we measure this? This concept contradicts the current requirement to keep students in a program until completion.

**Division Response: Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued. Furthermore, the language of the rule is amended to clarify that there is a two part requirement to exit intervention which also includes completion of the program.**

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**Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024**

**Comments: [6.03] • Document student intervention progress in IRI and send progress to parents quarterly.**

- 
- o Is there a DESE-approved template for the IRI?
- o
- o Will this be in addition to the quarterly progress reports our district already provides to all parents of students receiving dyslexia services?

**Division Response: Comment Considered, no changes made. Templates are beyond the scope of this rule. You should, however, feel free to integrate the reporting to parents with existing reporting where possible.**

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**Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024**

**Comments: [6.04] • IEP students also qualifying for dyslexia services can receive these services as a “related service” as determined by the IEP team.**

- o Will the designation of “related service” allow the district to bill Medicaid?

**Division Response: Comment Considered, no changes made. Issues related to federal entitlement payments are beyond the scope of this rule.**

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**Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024**

**Comments: [7.01] • Does this mean that the parents of every student in the district with one or more deficits on the K-3 screener, level 1 screener, level 2 screener, and/or the unspecified “fluency and encoding screener” (5.02) will receive a dyslexia packet containing the following: screening scores, informational materials about dyslexia, and their rights regarding an independent dyslexia evaluation? If so, what is the timeline for districts to review data and compile these packets?**

**Division Response: Comment Considered, a change was made to clarify that if an independent review is conducted, the district’s 30 day timeline to evaluate the review and begin services, if necessary, starts when the district receives the results of the independent review. 7.01 requires that parents be given notice if the district has determined dyslexia interventions are warranted.**

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**Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024**

**Comments: [8.01] • Will DESE release a list of approved programs meeting the new “instructional approaches” requirements?**

**Division Response: Comment Considered, no change made. Yes, the current list will continue to be the approved list under this amendment.**

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**Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024**

**Comments: [12.01.2] •How often will teachers be required to receive this PD?**

o Where can districts find the list of approved venues at which teachers may receive these hours? Will districts be permitted to provide their own?

**Division Response: Comment Considered, no changes made. The rule amendment did not amend these sections of the rule. The existing PD requirement is a onetime requirement.**

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**Commenter Name: Bruce Orr, Lakeside Public Schools, Superintendent, 5/30/2024**

**Comments: • Dyslexia Resource Guide**

o When will the new one be released?

o If the Resource Guide is based on dyslexia law, will its completion rely on the finalization of the proposal that is the topic of these notes?

**Division Response: Comment Considered, no changes made. Changes to the DRG are based on law, rule, and new research around best practice.**

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**Commenter Name: Melissa Fink, Springdale Public Schools, Associate Superintendent, 5/29/2024**

Comments: I am writing on behalf of the Springdale School District to address concerns and suggestions regarding the proposed rules and regulations for dyslexia screenings and interventions, particularly in the context of English Language Learners (ELLs). As the largest district in the state with a significant ELL population (33%), and some schools having as high as 68% ELLs, it is important that the proposed rules and regulations and Dyslexia Resource Guide give guidance for identifying ELL students with characteristics of dyslexia. Our goal is not to over identify students. Over identifying students could cause unnecessary extensive testing, students missing tier 1 instruction, and hiring additional staff to meet testing deadlines. Our goal is to use sound research-based practices that drive the protocols to support ELL students and properly identify the services they need. Appendix A of this email gives suggested recommendations to changes in the proposed rules and regulations for dyslexia screeners and intervention.

### *Current Context and Challenges*

Since July 2, 2023, our district enrolled 2,016 students into English Language Proficiency (ELP) services. 991 of them were born outside the US speaking little to no English. Many of these students qualify as Students with Limited or Interrupted Formal Education (SLIFE). Given this demographic, we need a nuanced approach to dyslexia screening that distinguishes between characteristics of dyslexia and the natural process of second language acquisition.

### *Key Considerations for Identifying Dyslexia in ELL Students*

Research indicates that characteristics of dyslexia and second language acquisition can appear similar, making accurate identification challenging (research sources linked below). Based on the research conducted, we propose the creation of guiding criteria for identifying ELL with dyslexia characteristics (see Appendix A).

Additionally, given the recent legislative changes mandating level 2 screeners for any 3rd-12th grade student within a 15-day period, we face substantial logistical challenges. For instance, with 1,552 3rd graders enrolled in our district, a 5% flag rate would necessitate 78 level 2 screeners, each requiring 4-6 hours to administer, score, and report. This would demand approximately 468 hours (or 20 days) of assessment within a 15 day time period. This would be a large undertaking for our district. We request the time period to administer level 2 screeners be extended beyond the 15 days in the proposed rules and regulations to 45 school days.

To mitigate these challenges, we urgently need clear guidelines for identifying ELL with dyslexia characteristics. Such guidance will help streamline the screening process and ensure accurate and fair identification and intervention. Students with limited language need to be progress monitored through the Response to Intervention (RTI) system for adequate growth in language acquisition and literacy skills. If students are not making adequate progress, it would then be appropriate to administer the screeners (level 1 and level 2) to see if they qualify for dyslexia services.

### *Conclusion*

In summary, we advocate for incorporating the considerations in Appendix A into the dyslexia screening and intervention rules and regulations to address the unique needs of ELL effectively. Clear, detailed guidance will help ensure that the most appropriate support for our diverse student population is provided, thereby enhancing their academic outcomes.

Additionally, administering the level 2 screener within 15 days of a student flagging for characteristics of dyslexia will be a hardship for many districts. The resources do not exist to accomplish this difficult and unmanageable task.

Thank you for your attention to these critical issues. We are available to discuss further and provide additional insights as needed.

Please see Appendix A for suggested changes to the proposed rules and regulations

### *Resources*

Research taken from International Dyslexia Association - English Learners and Dyslexia, Colorado Handbook for Dyslexia Chapter 7.2, and Special Education Assessment Process for Culturally and Linguistically Diverse (CLD) Students (Oregon Department of Education). Appendix A (Suggested Changes to the Rules and Regulations)

### 4.05

If a student is identified by the assessment required under Section 4.01 as indicating early signs consistent with the characteristics of dyslexia or a substantial reading deficit, that student shall be administered a dyslexia screening within forty-five (45) school days of the initial screening.

### 5.04

If the results of a screener required under Section 5.01 identify that a student exhibits deficits in fluency or spelling, the school district shall administer a Level II dyslexia screening within forty-five (45) school days of the initial screening.

Add a section to the rules and regulations for identifying English Language Learners as having Characteristics of Dyslexia

- After an English Language Learner (ELL) has flagged on the K-3 assessment as having characteristics of dyslexia, administer the level 1 dyslexia testlets in the K-3 ATLAS Assessment
- The Response to Intervention (RTI) committee will analyze data from the level 1 dyslexia testlets. The committee will consider the following variables to guide the decision if an ELL will receive dyslexia services or be progress monitored with language acquisition and reading skills through the RTI process:
  - o Determine the number of years of high-quality, first language instruction in reading and writing, as well as instruction in English language and literacy, to ensure that the difficulty is not due to a lack of English instruction.

- o Examine the variables that may be causing any difficulties with reading and writing in English. A lack of proficiency in spoken English will affect the ability to learn to read and write English.
- o Review the family history. Because dyslexia is hereditary, a family history of dyslexia—or symptoms that might point to dyslexia or other related conditions—should be documented.
- o Note that when comparing literacy skills across languages, students with dyslexia may appear to be within normal limits for decoding skills when they are reading and writing in transparent languages (those with reliable and stable letter-sound correspondences, such as Spanish) due to the regular and reliable patterns of the language.
- o Consider performance, during the screening and assessment process, in relation to peers with similar first languages and background experiences. This comparison is especially important if the available tests do not include a significant number of ELLs in the sample used to determine what is expected for the population (the normative sample). These data are another piece of information that can help with the process of teasing apart any possible effects of dyslexia from the effects of being an ELL.
- o Collect samples of the student’s work (for instance, written spelling assessment, written expression, and oral reading with error analysis) and evaluate that work along with the results of progress monitoring and other tests to determine the rate of progress achieved and to document any history of limited progress.
- o Review specific error patterns and ensure that they are not a result of overgeneralization from the student’s first language to English. Determine if the errors are typical or unusual when compared to other ELLs who are native speakers of the same language.
- o Work with the student’s parents, caregivers, and educators to determine if any educational, environmental, or personal factors may be related to learning to read. The more data gathered to develop an understanding of the student, the more accurate the assessment and decision-making process is likely to be.

**Division Response: Comment Considered, language was added to clarify that language acquisition is a factor which can be considered along with dyslexia screening to determine whether interventions are necessary. A change was also to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Terry Flowers, Trumann School District, Literacy/Curriculum Specialist, 5/29/2024

Comments: [4.05] Hello, ADE Rules Comments-

Thank you for providing me the opportunity to comment on the proposed Dyslexia rules. My comments are as follows:

- 4.05 If a student is identified by the assessment required under Section 4.01 as indicating early signs consistent with the characteristics of dyslexia or a substantial reading deficit, that student shall be administered a dyslexia screening within fifteen (15) days of the screening.
- 4.05.1 Students in kindergarten, grade one, and grade two, (K-2) shall be administered a Level I dyslexia screening.

Comment/Question - Will this additional screening be made available by K-3 Cambium as testlets? Please clarify this to ensure that there is no ambiguity with the expectations.

**Division Response: Comment Considered, no changes made. These requirements and the requirements to screen for dyslexia under A.C.A. §6-41-603 are integrated into ATLAS.**

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Commenter Name: Terry Flowers, Trumann School District, Literacy/Curriculum Specialist, 5/29/2024

Comments: [4.05.2] •4.05.2 Students in grade three (3) shall be administered a Level II dyslexia screening.

Comment/Question - Who is eligible to administer Level II Screening? Currently, I am the only one within my district who administers Level II Screening. It would be near impossible for me to continue in this manner, as well as, complete my additional responsibilities as the District Literacy/Curriculum Specialist. Level II Screening takes at least 3-4 hours for the full battery not including the time for the scoring/building of the profile.

**Division Response: Comment Considered, no changes made. The issue of who administered screener is not addressed in law. The Assessment manual outlines credential and training requirements.**

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Commenter Name: Terry Flowers, Trumann School District, Literacy/Curriculum Specialist, 5/29/2024

Comments: [4.05.3] •4.05.3 Students shall be identified based on cut-points and indicators approved by the Division of Elementary and Secondary Education.

Comments - When determining the cut off scores, will there be an error of margin for the functionality of the assessment? Students will struggle with demonstrating their proficiency in regard to reading due to the nature of completing the assessment. We have completed the pilot and our students struggled so we transitioned to a small-group setting for testing. I am afraid that

the ability to navigate the test will impact the student's performance on the assessment which will then flag them as having reading difficulties. Previously during Level I Screening, this could be accounted for by administering additional testing, along with analyzing local data (attendance, grades, and e.t.c).

**Division Response: Comment Considered, a change was made to 4.05.3 to ensure that while cut-points are the primary mechanism for the DESE approved indicators may also be considered consistent with the commentor's concern.**

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**Commenter Name:** Terry Flowers, Trumann School District, Literacy/Curriculum Specialist, 5/29/2024

**Comments:** [5.01] • 5.01 A school district shall screen any student in grades three through twelve (3-12) experiencing difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance.

- o 5.01.1 Difficulty requiring a screening under Section 5.01 may be informed by the results of a statewide student assessment in addition to other considerations.

- o 5.02 A screening required under Section 5.01 shall be performed with fidelity using screening measures of:

- 5.02.1 Oral reading fluency; and

- 5.02.2 Encoding.

Comment/Question - In the past, DIBELS/DSA were the recommended assessments. Will this be the same moving forward? If so, additional training and support for classroom teachers is vital.

**Division Response: Comment Considered, no changes made. Yes.**

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**Commenter Name:** Terry Flowers, Trumann School District, Literacy/Curriculum Specialist, 5/29/2024

**Comments:** [5.03] • 5.03 If a student is required to receive a screener under Section 5.01, the school district shall:

- o 5.03.1 Utilize a screener approved by the Division of Elementary and Secondary Education; and

- o 5.03.2 Administer the screener within fifteen (15) days of the identification of the student in question.

Comment - After the Initial Screening, if there is a large number of students that flag, it would be near impossible for one coordinator to ensure the timeline of 15 days is met. I would like to propose at least allowing 30 days to account for the sheer number of students that may flag. There are districts that have one coordinator who also provides intervention. This would be an insurmountable task for them within the current recommendations in regard to the timeline. Even those coordinators who aren't providing interventions, there are external factors that impact the timeline most often.

[6.01.1] • 6.01.1 Dyslexia interventions shall be provided beginning no more than seven (7) days from the date the student is identified.

Comment - Oftentimes, it is very difficult to have parents/guardians attend meetings and/or answer the phone to discuss next steps in regards to programming. The 7 days is a "pie in the sky," but it takes multiple attempts to set up meetings and then for the parent/guardian to actually attend to discuss next steps. The timeline should be adjusted to ensure that time spent obtaining/scoring the assessments can be discussed with the parents/guardians before proceeding with programming. I have found these conversations to be very meaningful in that I can give parents/guardians some knowledge to continue to support their children at home.

**Division Response: Comment Considered; a change was also to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Terry Flowers, Trumann School District, Literacy/Curriculum Specialist, 5/29/2024

Comments: [6.03.1] • 6.03.1 The progress report shall include the student's progress toward completing the dyslexia program;

o 6.03.2 The progress report shall include data points for measuring mastery of individual skills addressed in completed lessons of the dyslexia program; and

o 6.03.3 The progress report shall include data points for assessing progress toward grade level including but not limited to:

- 6.03.3.1 Decoding,
- 6.03.3.2 Word recognition,
- 6.03.3.3 Spelling, and
- 6.03.3.4 Fluency.

Comment - A template would be most beneficial to ensure that the expectation is being met when reporting to parents/guardians. Our classroom teachers administer the interventions for our students so this will place another level of expectation for them. I understand the importance of communicating with parents/guardians, but we also have to keep in mind the work that it will take to make this happen for students.

**Division Response: Comment Considered, no changes made.**

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**Commenter Name:** Amy Castling, Rivercrest Elementary School, Dyslexia Coordinator K-6, 5/29/2024

**Comments:** Please clarify under " Reporting by School Districts" for both question 2 and 3, if students that are "inactive" should be counted or only those currently enrolled.

**Division Response: Comment Considered, no change made. Requirements related to this rule apply to enrolled students.**

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**Commenter Name:** Kimberly Fuhrman, FPS Reading Teacher, Certified Academic Language Therapist (CALT), 5/29/2024

**Comments:** [Sec 3] I am writing to express my concerns regarding the proposed changes to the Division of Elementary and Secondary Education Rules Governing Dyslexia Screenings and Intervention. I am a Certified Academic Language Therapist (CALT) providing dyslexia therapy in the public school setting, so these proposed changes greatly affect me and my work.

In section 3, there is an addition of "Language Comprehension" to the skills which should be screened. It is defined as the "ability to understand both spoken and written language, including vocabulary and listening knowledge." I am unaware of any screener and/or progress monitoring tool that would measure such a broad definition. If it were changed to "Listening Comprehension," there are screeners specifically designed for that. Lumping in written language and vocabulary will be problematic for any present screener to cover.

**Division Response: Comment Considered, no changes made. The use of a screener approved by the division will satisfy the requirements of the rule.**

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**Commenter Name:** Kimberly Fuhrman, FPS Reading Teacher, Certified Academic Language Therapist (CALT), 5/29/2024

**Comments:** [3.12] Also, section 3.12 defines "Oral Reading Fluency" as "the ability to read grade level text with an appropriate rate to support comprehension." Labeling text as "grade

level” has always been problematic, as there is no set standard for what constitutes a “grade level.” And using a term like “appropriate” is also very difficult to quantify. What is appropriate?

**Division Response: Comment Considered, no changes made.**

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**Commenter Name:** Kimberly Fuhrman, FPS Reading Teacher, Certified Academic Language Therapist (CALT), 5/29/2024

**Comments:** [3.17] Section 3.17 adds the term “substantial reading deficit.” It is defined as the “lowest achievement level or benchmark on the screening or progress monitoring.” The term dyslexia has already been defined and explained. Why is this new term necessary? Dyslexia is a specific neurological condition— one of many conditions that can lead to reading difficulty. If these rules are specifically about dyslexia, why add this broad, unclear term?

**Division Response: Comment Considered, no changes made. The term substantial reading deficient is used by the rule in order to better define students in need of screening for dyslexia.**

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**Commenter Name:** Kimberly Fuhrman, FPS Reading Teacher, Certified Academic Language Therapist (CALT), 5/29/2024

**Comments:** [4.05] Section 4.05 causes the most concern for me because I don’t understand how it would be possible to comply with this rule. If all students in K-3 who show any indication of a reading deficit on the initial screener MUST be administered a Level I (or Level II for grade 3) within 15 days, that completely bypasses the RTI process. We would be breaking our own rules by not following RTI. We would be jumping straight to time consuming assessments before giving any level of intervention to the student to see if they respond. It’s analogous to performing exploratory surgery for a pulled muscle. I also do not see where “Level I” and “Level II” are defined. What’s the difference? Then, after this 15 day period, 6.01 requires that the student begin therapy within 7 days. Regardless of being logistically impossible, again, it bypasses any form of RTI. This extremely expedited timeline is not allowing any time for Tier 2 or Tier 3 intervention before jumping to, in my opinion, excessive assessments.

**Division Response: Comment Considered; a change was also to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Kimberly Fuhrman, FPS Reading Teacher, Certified Academic Language Therapist (CALT), 5/29/2024

Comments: [5.01] Section 5.01 requires assessments be given to anyone in grades 3 through 12 who experience difficulty in fluency OR spelling. That needs to read fluency AND spelling. A deep dive looking for dyslexia in someone who struggles ONLY with encoding is superfluous. Also, there are no standards for the secondary level with encoding– how would one determine if a student is experiencing difficulty?

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-603(b)(1).**

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Commenter Name: Kimberly Fuhrman, FPS Reading Teacher, Certified Academic Language Therapist (CALT), 5/29/2024

Comments: More generally, I am troubled by the idea of using only ATLAS as an initial screener. DIBELS and MAP have a long history of national standards. Since ATLAS is brand new, still in the pilot stage in some grades as of May 2024, how will we determine the standards? What will we compare the scores to? I'm also very concerned about using only online screening. Looking for something as tricky and nuanced as dyslexia in a young student requires a human ear.

We've come SO far with dyslexia intervention in Arkansas over the last decade. When my son, who is now 21, was struggling with it in elementary school, there was no help. No one knew what to do or how to help, including me. That's how I got into this– watching my happy, outgoing, curious, intelligent son be crushed by this condition. I am very invested in making sure we do not take steps backwards. I appreciate the work you are doing so much. And I sincerely appreciate your time in reading these public comments. Please take them into consideration.

Division Response: **Comment Considered, no changes made.**

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Commenter Name: Taylor Doan, Bryant schools, District Dyslexia Coordinator, 5/28/2024

Comments: To Whom it may concern:

This is in regard to the DESE Rules Governing Dyslexia Screenings and Interventions.

Specifically, I would like to address the definitions in sections 3.17.1 and 3.17.2 and propose some solutions to improve the effectiveness of these rules.

## Section Definitions

3.17.1: A score at the lowest achievement level or benchmark on the screening or progress monitoring when using a high-quality, evidence-based screener approved by the Division of Elementary and Secondary Education.

3.17.2: Evidence of minimum skill levels for reading competency in one or more of the following areas: phonological awareness, phonics, vocabulary, oral language skills, reading fluency, and reading comprehension, as documented by consecutive formative assessments or teacher observation data.

## Proposed Solutions

3.17.1: Specify the score required for identification and name the approved screening test. For example: "A score of [specific score] on the [name the screening test] or progress monitoring [list progress monitoring screening], when using a high-quality, evidence-based screener approved by DESE [name the screener]."

3.17.2: Include a requirement for teachers to be on an improvement plan aimed at enhancing their Tier 1 instruction. This will ensure that teachers are continually working towards better instructional strategies to support students with dyslexia.

This was not the intention. The intention was a consideration when looking at teacher data and basing a child's dyslexia intervention on teacher notes. If the teacher is on an improvement plan, their data should not necessarily be used to determine whether a student has characteristics of dyslexia. The student could be struggling due to tier 1 instruction. There should be other data points that are reviewed.

## Required Screening for K-3

Sections: 4.05, 4.05.1, 4.05.2, 4.05.3, 5.01, 5.01.1, 5.04, 5.05

## Requirements for Intervention

Sections: 6.01.1, 6.03

## Possible Solution

Extend the time frames for intervention requirements. Currently, Special Education (SPED) departments, which are better funded by state and federal funds, have 60 days to test and 30 days to hold a conference. In contrast, dyslexia services in Arkansas do not receive comparable funding and have fewer staff members. To ensure fair and effective intervention, please consider either providing additional funding for dyslexia services or adjusting the timeline to be similar to that of SPED services.

By addressing these proposed changes, we can better support students with dyslexia and ensure that they receive timely and effective interventions.

Thank you for your attention to these important matters. I am available for further discussion or clarification as needed.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Chris Wilson, Newport School District, Certified Academic Language Therapist/Certified Structured Literacy Dyslexia Specialist, 5/28/2024

Comments: I feel that even with adequate staff to serve student needs, it is an unreasonable expectation to continue serving students with fidelity, test in 15 days, and place in 7, as the proposed time constraints.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

Commenter Name: Dodie Magee Anderson, Nettleton SD, 5/28/2024

Comments: [5.01] 5.01 A school district shall screen any student in grades three through twelve (3-12) experiencing difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance.

QUESTION: If a Jr. High building consisting of grades 7 and 8 administer the DSA to all students at the beginning of the year to have a piece of universal data, would every student falling below the suggested cut off score for the appropriate level feature require screening?

QUESTION: At the Jr. High level, many students are not asked to read aloud. How are teachers to assess ORF? Will a building wide ORF like DIBELS be required?

COMMENT/QUESTION: OR is noted- fluency or spelling- therefore, a deficit in either would require screening. This likely will include a lot of students. Could more guidance be provided?

**Division Response: Comment Considered, a change was made with respect to question 1 to clarify that the decision to refer a student for screening under this section of the rule is to be based on assessments in addition to other considerations. Additional guidance will be provided in the Dyslexia Guide.**

Commenter Name: Dodie Magee Anderson, Nettleton SD, 5/28/2024

Comments: [5.01.1] 5.01.1 Difficulty requiring a screening under Section 5.01 may be informed by the results of a statewide student assessment in addition to other considerations.

COMMENT/QUESTION: This is confusing. Could clarification be provided?

Does it mean if there is difficulty in administering/scheduling screening, one can inform his/her decision by reviewing the results of a statewide assessment in addition to other considerations? Is 'other considerations' too broad? What is meant by 'other considerations'?

Division Response: **Comment Considered; this language has been rewritten to clarify its meaning.**

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Commenter Name: Dodie Magee Anderson, Nettleton SD, 5/28/2024

Comments: [5.02] 5.02 A screening required under Section 5.01 shall be performed with fidelity using screening measures of:

5.02.1 Oral reading fluency; and

5.02.2 Encoding.

COMMENT/QUESTION: Again, in a school with struggling readers, this might be 50-70% of the student population that will require a Level II screener. Many struggle with oral reading fluency and/or spelling. Could there be more specific guidance provided?

Division Response: **Comment Considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-603(b)(2). The rule does attempt to provide additional clarity by defining the terms in the rule.**

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Commenter Name: Dodie Magee Anderson, Nettleton SD, 5/28/2024

Comments: [6.03] 6.03 The progress of a student receiving early dyslexia intervention shall be documented within the individual reading plan and a report of this student's progress shall be provided to the parents of the student quarterly.

6.03.1 The progress report shall include the student's progress toward completing the dyslexia program;

6.03.2 The progress report shall include data points for measuring mastery of individual skills addressed in completed lessons of the dyslexia program; and

6.03.3 The progress report shall include data points for assessing progress toward grade level including but not limited to:

6.03.3.1 Decoding,

6.03.3.2 Word recognition,

6.03.3.3 Spelling, and

6.03.3.4 Fluency.

QUESTION: In what manner shall the parents be informed of the student's progress? Will this require a face-to-face meeting quarterly? What stakeholders must be present for this meeting?

**Division Response: Comment Considered; no changes made. The text of the rule does not require a meeting but rather a report which can be provided in writing.**

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Commenter Name: Amy Castling, Rivercrest Elementary School, Dyslexia Coordinator K-6, 5/28/2024

Comments: 15 days is not nearly enough time to get all the level 2 evaluations done. Often the people doing the evaluations are also trying to teach groups through out the day. If we are in CALT training we have to see a minimum of 3 groups per day in addition to all the testing. Allowing more time for testing does not delay instruction. Thank you for your consideration. Also the 15 days, which is not enough (see earlier comment), does not specify if it is business days or not.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Justin Swope, Gene Gorge Elementary - Springdale SD, Principal, 5/24/2024

Comments: To Whom It May Concern:

The proposed rules governing Dyslexia Screenings and Interventions will be extremely challenging if not virtually impossible to implement for many Arkansas schools. Here's why:

- Level 2 Screeners are extremely time intensive; they can take 4-6 hours per student to implement. The new law will expand the number of students who will qualify for these. If these rules go into effect, then schools will have only 15 days to do more screeners with no additional assistance/staff to implement screeners.
- o The law does not require a 15-day timeframe.

- There are no guidance statements for identification of dyslexia with English learners (ELs). Research says characteristics of dyslexia and second language acquisition can appear similar. Educators must be purposeful and nuanced in determining whether it's one or the other. Schools with large numbers of ELs in Arkansas will be faced with a large number of potential unnecessary screenings. At the state level, 10% of the state are ELs.
- o To mislabel any ELs as learning disabled because of their implicit characteristics is inappropriate. Being an English learner is not a learning disability and should not be treated the same.

I am the principal of an approximately 650 student school that comprises of 61% ELs. These proposed rules will represent a very challenging mandate that is not funded or resourced appropriately. Further, without guidance regarding appropriate research-based guidance, we will be faced with, to me, the moral dilemma of inappropriately and unnecessarily identifying a large portion of our student population as potentially learning disabled.

Please expand the timeline for Level 2 Evaluation and provide research-based guidance regarding screening ELs for dyslexia.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was also added to clarify that language acquisition is a factor which can be considered along with dyslexia screening to determine whether interventions are necessary.**

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**Commenter Name:** Lucas Harder, Ark. School Board Association, Attorney, 5/24/2024

**Comments:** [1.03] I would recommend changing “ADE’s website” to “DESE’s website” to align with the change from ADE to DESE in the title.

**Division Response: Comment Considered, a non-substantive change was made.**

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**Commenter Name:** Lucas Harder, Ark. School Board Association, Attorney, 5/24/2024

**Comments:** [4.05] I would recommend changing “days of the screening” to read “days of the results of the assessment” so as to more clearly delineate between the results of the assessment and the dyslexia screening that will follow.

**Division Response: Comment Considered, a change was made following public comment to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener under the**

**rule until interventions are required to be provided if interventions are ultimately found to be required. The concerns underlying this comment were incorporated into the new language.**

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Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [6.03] I would recommend adding an “at least” before “quarterly”.

Division Response: **Comment Considered, a non-substantive change was made.**

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Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [6.04] I believe that “characteristic” should be “characteristics”.

Division Response: **Comment Considered, a non-substantive change was made.**

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Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [12.02.3] I would recommend changing “Department of Education” to “Division of Elementary and Secondary Education” to align with A.C.A. § 6-41-607(b)(3).

Division Response: **Comment Considered, a non-substantive change was made.**

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Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [13.01] “Department of Education” and “Department of Higher Education” should be changed to “Division of Elementary and Secondary Education” and “Division of Higher Education”.

Division Response: **Comment Considered, a non-substantive change was made.**

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Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [14.01] “Department of Education” should be changed to “Division of Elementary and Secondary Education”.

Division Response: **Comment Considered, a non-substantive change was made.**

Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [14.02] “Commissioner of Education” should be changed to “Commissioner of Elementary and Secondary Education”.

Division Response: **Comment Considered, a non-substantive change was made.**

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Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [14.02.2] “Arkansas Department of Education” should be changed to “Division of Elementary and Secondary Education”.

Division Response: **Comment Considered, a non-substantive change was made.**

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Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [14.02.3] “Arkansas Department of Higher Education” should be changed to “Division of Higher Education”.

Division Response: **Comment Considered, a non-substantive change was made.**

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Commenter Name: Lucus Harder, Ark. School Board Association, Attorney, 5/24/2024

Comments: [15.02] The citation of “14.01” should be changed to “15.01”.

Division Response: **Comment Considered, a non-substantive change was made.**

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Commenter Name: Holly Smith, Fayetteville Public Schools, Certified Academic Language Therapist (CALT), 5/23/2024

Comments: I hope this letter finds you well. I am writing to express my concerns and to propose changes to the current Division of Elementary and Secondary Education Rules Governing Dyslexia Screenings and Intervention that is under consideration. As a concerned educator and Certified Academic Language Therapist, I believe that the following changes would significantly improve the law and better serve our community:

1. Definitions:

- Please clarify the definition of “Substantial reading deficit” in 3.17.

- Why is “substantial reading deficit” included in this law when the term “dyslexia” is already defined? (3.03)
- The phrase “one or more” in 3.17.2 should be changed to “more than one” to meet the definition of dyslexia as stated in 3.03.
- In 5.01 “experiencing difficulty in fluency or spelling” → Why screen when that doesn’t follow the definition of Dyslexia in 3.03? → How do you define “experiencing difficulty” with spelling? → If a student is experiencing difficulty in spelling only and yet a fluent reader, why screen for dyslexia?
- In regards to 5.02 and 5.03, students are already screened with the approved screener using ATLAS. What additional screener are you referring to that screens for fluency or spelling?

Timeline:

- A “dyslexia specialist who is fluent in the RTI process” capitalizes on the involvement of a committee of other qualified personnel such as administrators, counselors, special education teams, speech pathologists, classroom teachers and this vital process is only mentioned once in 3.06.2.
- In regards to 4.05, 5.04, and 6.01.1, there are not enough qualified personnel to get results and screen all flagged students within 15 days. This timeframe is logistically impossible. This time frame also does not account for a “dyslexia specialist who is fluent in the RTI process” as stated in 3.06.02 to analyze and interpret data, determine appropriate interventions, and begin implementation with a committee decision as stated above.
- Are these 15 days calendar or school days?

Clarify deficit areas:

- In regards to 6.02, it states that early intervention shall continue until the deficit areas are remediated. Does this include ALL deficit areas for a student with dyslexia including spelling? Does this include the area of rate regardless of a students’ processing speed? Does “remediated” mean meeting grade level standards? Does this mean students could potentially stay in dyslexia interventions for all of K-12?

Clarify dyslexia therapy and dyslexia interventionist

- In regards to 3.08, dyslexia therapy can be delivered by a dyslexia interventionist. There should be a distinction between dyslexia therapy provided by a paraprofessional versus a Certified Academic Language Therapist. Having all the “dyslexia interventionists” identified in 3.04 as one collective group negates the importance and value of the professional credentials of CALTs, Special Education Teachers, and Licensed Teachers.

I believe that these changes will not only improve the effectiveness of the law but also ensure that it better reflects the values and needs of our community. I urge you to consider these suggestions and take the necessary steps to incorporate them into the legislation.

Thank you for your time and attention to this important matter. I look forward to your response and am hopeful that together we can create positive and meaningful change.

**Division Response: Comment considered; language was added to 6.02 to clarify the circumstances under which dyslexia intervention may be discontinued. In addition, the term substantial reading deficient is used by the rule in order to better define students in need of screening for dyslexia. Furthermore, a change was made to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided**

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Commenter Name: Taylor Doan, Bryant schools, District Dyslexia Coordinator, 5/22/2024

Comments: To Whom It May Concern:

This is in regard to the DESE Rule Governing Dyslexia Screenings and Interventions.

The current language in the DESE Rule Governing Dyslexia Screenings and Interventions appears to supplant the Child Find mandate under IDEA 2004, potentially leading to overidentification of Specific Learning Disabilities (SLD). Dyslexia is categorized as an SLD under IDEA, and specific exclusionary factors must be considered before a child can be classified as having an SLD. These factors include:

- Hearing, visual, or motor disabilities
- Intellectual disabilities
- Emotional disturbances
- Cultural factors
- Environmental or economic disadvantages
- Limited English proficiency

The current rule mandates that K-3 students undergo screening three times a year. Results from these screeners could automatically trigger early interventions or dyslexia-specific interventions, even though these screeners do not account for the necessary exclusionary factors mentioned above. Here are some examples of how this can lead to overidentification or inappropriate service provision:

Screening and Exclusionary Factors

The initial (Level 1) screening must occur within 15 days of K-2 students being flagged by the K-3 screener. For 3rd graders, the Level 2 screening is to be administered within 15 days of being flagged. Interventions must begin within 7 days of identification.

The rule does not require vision and hearing screenings before the initial K-3 screener. Therefore, if a student's reading difficulties are due to unaddressed vision or hearing issues, schools might incorrectly provide early or dyslexia-specific interventions, which do not address the root cause of the reading difficulties. Consequently, these students will show no progress due

#### English Language Proficiency

Under the Equal Educational Opportunities Act of 1974 (EEOA), educational agencies must take appropriate actions to overcome language barriers. English Learners (EL) should be assessed and served by a Language Proficiency Assessment Committee (LPAC). The current rule's quick turnaround does not allow sufficient time for the LPAC to review data and decide the best course of action for EL students. As a result, EL students might be misidentified as having reading disabilities when their difficulties are actually due to language acquisition. to unaddressed underlying issues.

#### Parental Notification and Involvement

The draft rule includes notifying parents of their child's screening results but does not provide for their concerns and observations. Parents should be given time to participate meaningfully in the decision-making process. Under IDEA, parents have the right to refuse evaluation and services, but the current draft does not acknowledge these rights. The tight timelines for assessments and interventions do not allow parents the flexibility to schedule meetings, ask questions, and provide feedback.

#### Other Factors

The K-3 screener does not consider student absences, which can cause reading difficulties unrelated to learning disabilities.

The current language in the rule may delay the proper identification and evaluation of disabilities under Child Find, leading to prolonged periods without appropriate interventions for students who might need them.

#### Additional Considerations

The rule also does not account for students transitioning from homeschooling or private schools. These students may not have been exposed to a guaranteed and viable curriculum or may have had instructors who did not follow the Science of Reading pathway, leading to apparent reading difficulties that are not true learning disabilities.

For these reasons, I strongly recommend revising the rule to allow schools to comprehensively evaluate each child's needs, rather than making automatic assumptions based on screening results.

**Division Response: Comment Considered. With respect to the initial comments, the rule explicitly states that the rule does not amend requirements related to IDEA. Changes were made to further clarify that while the rule may trigger screenings, the decision to provide intervention is based on multiple factors. Further, the providing of instructions to address characteristics of dyslexia does not automatically equate to a designation of an SLD. In addition, a change was made to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. Language was specifically added in 4.05.4 to clarify that school personnel must consider reliable information in addition to the assessment results including language acquisition.**

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**Commenter Name: Michael Pierce, Superintendent, East Poinsett County School District, 5/22/2024**

**Comments: With regard to the Rules Governing Dyslexia Screenings and Interventions, I believe the time lines should be reevaluated.**

First, with screening in first 30 days of school. This is doable for 1st-3rd grades, but unrealistic for Kindergarten students. Our kindergarten standards include most of the skills that are assessed on the screener. It would be hard to determine if there is a deficiency or lack of exposure. We cannot assess understanding on something that has not been taught. Also, most kindergarten students are unfamiliar with using a chromebook or other device. These are things we have to teach our students. My professional opinion is that the data yielded from this screener in the first 30 days will show high levels of below expectations, which will clog our intervention programs with students who have not been exposed to the content. If we screen kindergarten in the first 30 days, they should not have to follow the rules regarding Level 1 screeners at that time, but rather just allow teachers to use that data to guide whole group instruction.

Second, with the 15 day rule for Level 1 and Level 2 testing, this will be difficult for schools to accomplish. In my district, we have one person who does level 1 and level2 screening. We do this to maintain the integrity of baseline testing. Meaning our tests stay consistent because we do not have multiple teachers administering tests. We do have a number of interventionists, but 1 person testing. It may be a better solution to increase the time line to 30 days or 15 days for 2-3 grade and 30 days for 1st grade. That way we have time to get tests, evaluate data, and create an intervention schedule.

Thank you for your consideration of these concerns.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Renae London, East Poinsett County School District, 5/22/2024

Comments: With regard to the Rules Governing Dyslexia Screenings and Interventions, I believe the time lines should be reevaluated.

First, with screening in first 30 days of school. This is doable for 1st-3rd grades, but unrealistic for Kindergarten students. Our kindergarten standards include most of the skills that are assessed on the screener. It would be hard to determine if there is a deficiency or lack of exposure. We cannot assess understanding on something that has not been taught. Also, most kindergarten students are unfamiliar with using a chromebook or other device. These are things we have to teach our students. My professional opinion is that the data yielded from this screener in the first 30 days will show high levels of below expectations, which will clog our intervention programs with students who have not been exposed to the content. If we screen kindergarten in the first 30 days, they should not have to follow the rules regarding Level 1 screeners at that time, but rather just allow teachers to use that data to guide whole group instruction.

Second, with the 15 day rule for Level 1 and Level 2 testing, this will be difficult for schools to accomplish. In my district, we have one person who does level 1 and level2 screening. We do this to maintain the integrity of baseline testing. Meaning our tests stay consistent because we do not have multiple teachers administering tests. We do have a number of interventionists, but 1 person testing. It may be a better solution to increase the time line to 30 days or 15 days for 2-3 grade and 30 days for 1st grade. That way we have time to get tests, evaluate data, and create an intervention schedule.

Thank you for your consideration of these concerns.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Jennifer Fithen, East Poinsett County School District, 5/22/2024

Comments: With regard to the Rules Governing Dyslexia Screenings and Interventions, I believe the time lines should be reevaluated.

First, with screening in first 30 days of school. This is doable for 1st-3rd grades, but unrealistic for Kindergarten students. Our kindergarten standards include most of the skills that are

assessed on the screener. It would be hard to determine if there is a deficiency or lack of exposure. We cannot assess understanding on something that has not been taught. Also, most kindergarten students are unfamiliar with using a chromebook or other device. These are things we have to teach our students. My professional opinion is that the data yielded from this screener in the first 30 days will show high levels of below expectations, which will clog our intervention programs with students who have not been exposed to the content. If we screen kindergarten in the first 30 days, they should not have to follow the rules regarding Level 1 screeners at that time, but rather just allow teachers to use that data to guide whole group instruction.

Second, with the 15 day rule for Level 1 and Level 2 testing, this will be difficult for schools to accomplish. In my district, we have one person who does level 1 and level2 screening. We do this to maintain the integrity of baseline testing. Meaning our tests stay consistent because we do not have multiple teachers administering tests. We do have a number of interventionists, but 1 person testing. It may be a better solution to increase the time line to 30 days or 15 days for 2-3 grade and 30 days for 1st grade. That way we have time to get tests, evaluate data, and create an intervention schedule.

Thank you for your consideration of these concerns.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Lesley Nelms, Hamburg School District, District Dyslexia & PLC Coordinator, 5/21/2024

Comments: To Whom It May Concern:

This is in regards to the DESE Rule Governing Dyslexia Screenings and Interventions.

The current language under this does supplant IDEA 2004 of Child Find and can also cause over identification of the category Specific Learning Disability (SLD). Dyslexia is recognized under IDEA as a specific learning disability and certain exclusionary factors must be taken into consideration before determining by the committee if a child will be served under the category of SLD. The group must find that the reading difficulty is not primarily the result of:

- A hearing, visual, or motor disability
- Intellectual disability

- Emotional disturbance
- Cultural factors
- Environmental, or economic disadvantage
- Limited English Proficiency

Within the current rule language, it states that the K-3 screener is given 3 times a year to K-3 students. The results based off of those screeners could identify students automatically for early interventions or dyslexia interventions without the screener being able to rule out any of the above mentioned exclusionary factors. Here are common examples of how students can be overidentified or not properly be served under this law:

The testlets (Level 1) screening must take place within 15 days after students have been flagged in the K-3 screener if they are K-2. Level 2 screeners are to be given within 15 days of 3rd graders being flagged in the K-3 screener. Interventions must begin 7 days within being identified. Since the law is not requiring that hearing and vision screeners need to take place before the K-3 screener is given at the beginning of the school year, once a student is flagged, the school then would have to begin looking at hearing and vision to rule out that this may be a cause as to poor performance on the screener. A school nurse screens then notifies parents of the student failing a hearing and/or vision screener. The school nurse does not screen again for another 4 weeks and the results can still come back as a failure on hearing and/or vision screener. Based on the current language in the rules, interventions would have to start regardless of the results of hearing and vision screenings. So if the primary result of the reading difficulties is truly vision and hearing, schools will be required to give early interventions and dyslexia interventions which do not solve the reading difficulty. The student will be monitored the whole time with no results of progress due to what is needed to take into account has not been ruled out before the screener results.

Another over identification that the screener will not rule out is English Language Proficiency. Under Equal Educational Opportunities Act of 1974 (EEOA), "No state shall deny educational opportunities to an individual on account of his or her race, color, sex, or national origin... the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs". English Learners (EL) are to be identified and then served under a Language Proficiency Assessment Committee (LPAC). With the turnaround time that is required under the current rule, the LPAC committee would not be able to convene to review the assessment data from the K-3 assessment to make consideration of what would best serve the student. The current rules would just say that the student would be best served with early interventions or dyslexia interventions. Under IDEA for SLD, English Language Proficiency is to be ruled out as a primary result of the reading difficulty. The current draft would say that those K-3 EL students that are flagged are suspected of a reading disability, which IDEA says that solely English Learning Acquisition is not a learning disability. There is a concern that the current rules could cause the educational agency to take inappropriate actions for what is determined appropriate by the LPAC committee.

Within this current draft of the rule, parent notification is given to parents of the student's results, but there is no language that considers parents' concerns and observations of the student. Time should be given for those parent meetings in order to properly take into consideration all stakeholders' feedback. Under IDEA, parents have the right to refuse consent of evaluation. Parents also have the right to refuse services. The current draft does not provide parents those rights. I would want all parents to want what is best for their child, but at the end of the day- it is their child. Setting a timeline of 15 days of Level 1 or 2 assessments and then 7 days to begin intervention, this is not providing parents the ability to schedule a meeting at their convenience, be properly informed and able to ask questions, and to provide specific feedback and observations from home or health history of the student. *Etiwanda School District v. D.P.* ruling focuses on providing parents meaningful participation at their convenience for their child's education.

Another factor that is not being ruled out by the K-3 screener is student absences. The screener will not be able to rule out if student absences are causing the reading difficulties. Not receiving instruction does not equal a learning disability.

Child Find tasks us to locate, identify, and evaluate children with disabilities. Based on the current language with the rule, this is supplanting and not properly identifying and evaluating children with disabilities. Children should be evaluated by what is required under IDEA to meet the category of the suspected disability. If only the K-3 screener data is taken into account and the child is served under early interventions and dyslexia interventions under state law, this will cause a delay in Child Find for federal law since the progress monitoring will show no advancements and the child may need to be evaluated for an Intellectual Disability.

Other considerations that could also cause overidentification of SLD are students that are K-3 and were homeschooled or attend a private school and enter into public schools. Under IDEA for RTI, there is a question of whether the student has been exposed to a guaranteed and viable curriculum. If homeschool students and private schools are not required to adopt highly qualified instructional materials (HQIM) required by ADE for English Language Arts, this could also look like reading difficulties. If the students' instructors in homeschool or private school do not have to meet the required Science of Reading pathway, this is also another reason why the student could look like they have reading difficulties.

For these reasons, I strongly suggest that there are other considerations and language put in place to allow for schools to examine the whole child's needs versus automatically making assumptions as to what is needed. I am also asking for parental consent and input into the consideration of the proper course forward for the student. The same would be said of doctors when prescribing treatment to patients. If all patients are running fever, just giving the same medication may not be the answer to solve the problem. Someone with appendicitis does not need what someone with a cold needs. The proper treatment is determined when the doctor is able to look at certain factors that they can rule out in order to determine the proper treatment.

**Division Response: Comment Considered. With respect to the initial comments, the rule explicitly states that the rule does not amend requirements related to IDEA. Changes were made to further clarify that while the rule may trigger screenings, the decision to provide**

**intervention is based on multiple factors. Further, the providing of instructions to address characteristics of dyslexia does not automatically equate to a destination of an SLD. In addition, a change was made to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. Language was specifically added in 4.05.4 to clarify that school personnel must consider reliant information in addition to the assessment results including language acquisition.**

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Commenter Name: Mary Barbour, Van Buren School District, Reading Specialist, 5/17/2024

Comments: [3.04.5] I have a question about the rules governing dyslexia screening and interventions. 3.04.5 says, "Tutor or paraprofessional working under the supervision of a certified teacher."

What are the requirements around this rule in schools? What would this look like?

Division Response: **Comment considered; no changes made. The language addressed is outside the scope of the proposed changes and the division is not prepared to address this existing provision at this time.**

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Commenter Name: Mary Barbour, Van Buren School District, Reading Specialist, 5/17/2024

Comments: [4.05] Section 4.05 states that kindergarten through second-grade students who show signs consistent with the characteristics of dyslexia shall be administered a Level I dyslexia screening. Will Level I screeners be universal, or will we use the ones from the past?

Will level II screeners only be given to students grade three and up?

Division Response: **Comment Considered, no changes made. Additional clarity is provided in the Dyslexia Resource Guide.**

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Commenter Name: Mary Barbour, Van Buren School District, Reading Specialist, 5/17/2024

Comments: [5.03.2] Sections 5.03.2 and 5.04 state that the screener must be given within fifteen days of identifying the student in question. What if many students show up, especially for the fall screener?

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from**

**the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Chelsey Elmore, Lavaca Elementary, Dyslexia Interventionist, 5/17/2024

Comments: I am concerned regarding the 15-day timeframe allotted for screening students, especially considering the concurrent responsibility of providing interventions. I am the one providing interventions and screening students at the elementary.

While I understand the importance of timely identification and support for our students, the current timeframe poses significant challenges. Balancing the thorough screening of students with the delivery of effective interventions within this limited period will be difficult. This dual responsibility not only strains resources but also risks compromising the quality of both the screenings and the interventions. I have a full schedule of interventions and would have to risk not seeing students in order to meet the deadlines for screening.

Effective student support requires adequate time to conduct comprehensive screenings that accurately identify individual needs. Simultaneously, interventions must be carefully planned and executed to ensure they are truly beneficial. The current timeframe does not allow for this level of attention and care.

I am concerned that the pressure to meet this deadline may lead to rushed screenings and interventions, potentially overlooking crucial details that could impact our students' academic and personal growth.

Division Response: **Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided.**

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Commenter Name: Deana Brooks, Reading/Dyslexia Interventionist, 5/16/2024

Comments:

AS WRITTEN

3. 08 “Dyslexia therapy” means an appropriate specialized reading instructional program specifically designed for use in a dyslexia program that is delivered by a dyslexia interventionist.

If the law is discussing dyslexia therapy, the highlights word should be dyslexia therapist not interventionist.

Division Response: **Comment Considered; no changes made.**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [1.02] Add the words "characteristics of" before the word "dyslexia".

Division Response: **Comment considered; the requested change was made.**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [2.02] twelfth line, Page 1: Add the words "characteristics of" before "dyslexia".

Division Response: **Comment considered; the requested change was made.**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [3.03.2] Page 2: Replace the word "spelling" with the word "encoding".

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-602(1).**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [3.06.1] Page 3: Add the words "holds or" before the word "is" on Line 2.

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-602(4).**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [3.15.3] Page 4: Consider replacing the word "performance" with the word "growth".

Division Response: **Comment Considered; no changes made.**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [5.01 & 5.04] Page 8: Replace the word "spelling" with the word "encoding".

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-603(b).**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [6.02] Page 9: At the end of the current language, add the words "as shown through assessment."

Division Response: **Comment considered; the requested change was made.**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [11.01] Page 13: As to the term "dyslexia interventionist", can this be a paraprofessional trained in dyslexia working under a reading teacher who is certified, or if there is only one (1) does the paraprofessional drop off of the list in Section 3.04?

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-607(d).**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [12.01] The term "that each teacher" needs to be clarified.

Division Response: **Comment considered; no changes made. The language at issue in this comment was reflected verbatim from statute. A.C.A. §6-41-608(a). Each teacher refers to employees of the school district which instruct students in the classroom.**

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Commenter Name: Trip Walter, APSRC, Attorney, 06/10/2024

Comments: [15.02] Page 14: Change the language "Rule 14.01" to "Rule 15.01".

Division Response: **Comment considered; the requested change was made.**

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Commenter Name: Kenasha Carmichael, Watson Charter School District, Dyslexia Specialist,  
May 31,2024

Comments: Hi, good morning. My name is Kenasha Carmichael. I am the dyslexia specialist for the Watson Charter School District and Pablo, Arkansas.

I want to say this my 1st time coming to one of these, I did one online, but then I said “I want to come see what it looks like to actually be in the public eyes.”

So thank you guys for offering this opportunity.

And the dyslexia specialist for my district. A couple of concerns that I have. Is the 15 days number 4.405 and these are all just kind of tie together.

4.0 , 3.2 and 4.04. where it talks about the 15 day timeline from the number one screener to having the dyslexia assessment spring is done.

So many things are outside of the control of the dyslexia department to honor that 15 day time limit. We work hard, try to make things happen.

But once we receive the data, I can only speak from my experience. Once the beginning of year data is complete and you go in and you look at it you send the packet out to the to the teacher and you have the referral checklist of all those things that have to be resubmitted to you.

We have no control when teachers get that back to us. The practice that I have is, after maybe 2 or 3 weeks, I go to the principal because you know I can't go to a teacher and say, “Hey I need this back.” But I was like “Hey, you know, I've sent this out I haven't received anything.” that so that right there can be a 15-day time limit. And then, like I said, they have to do their teacher observation, they have to give the parent interview, they have to add supporting documentation, they have to get a vision and hearing screening, there's just a lot of things that have to be gathered. And then after that packet comes in, we send out a permission to screen to the parent because we can't screen without the parent's permission.

The parents may not send that back for a week or 2. So while I would, man, I would love being, like “look, I got this, Dad, let me go screen this.” I would love to be able to do that. It's just things that are beyond our control. Now what I do, and this is my 1st year as a dyslexic coordinator, so what I did this year is, once I got that permission to screen from the parent, I kind of piggybacked off of the special education, where they do their screen in like 60 days or whatever. I try to have from the date I get that the date of the Parent permission to screen today. I try to have that screener done and holding a parent conference within 30 days. Because then it gives people absent and all of this stuff have to reschedule, your parents after work. So, you know, I feel like that's a more. Realistic or reasonable timeline because there are so many things outside of our control that we just cannot help.

And one other thing was the 6.01.1. Having services within 7 days, I don't like that. But if you run into a situation where you don't have the hands and I did have this situation this year, I didn't have the hands. All of my interventions were full. I had to advertise. There's a way to see you somebody was going to. Apply head to interview. Had to wait for the board to say, yeah, you can hire. And then it's been about maybe, the week, like Friday morning, training them to make sure that they're ready and prepared to go into the classroom and work with the baby, you know, we can't just send them in there. So when I have the hands oh yeah, 7 days, yeah we need to get this baby in here, we need to start now the very next week. We have those real circumstances, and we have to work around. I just think those things should be taken into consideration. And thank you so much.

Kenasha Carmichael with Watson Charter School District again, I did forget to state that my district, right now we have 2 people that do the screening, 1 of my interventionists is at the K1 campus, and she screens those students because she's certified. I do the screening for the whole rest of the district, grades 2 through 12. I do that by myself. Thank you.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

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Commenter Name: Doctor Prescolee, Lisa Public Charter Schools, Dyslexia Coordinator/Science and Reading Coordinator, May 31,2024

Comments: Good morning I'm doctor Prescolee, I'm the Dyslexia coordinator and science and reading coordinator for Lisa Public Charter Schools. I've been in this position as a coordinator for 2 and a half years, starting my third one. And we have around 9 campuses. Each campus has one no dyslexia intervention trained in 2 different programs. And as of this year, we are servicing now 201 students. I have a little concerned about the new law that's being presented because we have a high English language population in our school. And based on our dyslexia screeners that we have been doing on here if We take that as the new atlas because we're going to be looking at those exact areas. The new law shows that you can only miss one area. We don't have cut scores because we've never been given the atlas. We did some testing prior with the NWA with the text to speech, and there was a lot of hiccups to listen to it and grade it accordingly, so if a student has to miss just one component, and if I look at my end of the year data just in one grade level, I'll have around 12 students that would qualify for that level one screener. I just need more direction, and then from there, if they qualify for that one, I'm going to assume at least half of them, hopefully not, would qualify for the level 2, which I'm the only one that gives that level 2 screener. And then within 7 days, we will place them in dyslexia intervention. Now, what if a student's first language is not English? What if a student needs a

little extra support because that RTI piece that we gave before, that progress monitoring, hit those skills really quick before we move onto something else. In previous years, we have seen that we need just a little more time but now it's within 7 days, we're going to get the program. There's also no guidance on how they would be exited out if I'm expected to tell a parent, "Hey we did a level one, we're going to go ahead and place him into dyslexia intervention to receive that support." If we're going to look at that assessment, the next one, the winter one, and they score great, I need to tell their parents, "Hey your child does not have dyslexia anymore." And what if in the spring they go back? So I'm having a lot of trouble trying to plan out next year, with the limited staff that I have. We've already lost 3 interventions this year and like I said, we have 2 different programs, which is wonderful, but we have options. One of them is the connections, which is 45 minutes 3 times a week with 4 students max. And they all have to be on the same level to be in the same group. So if you have a second grader that's in a lesson, and a third grader that's on the same lesson, we can group them, but with a lot of kindergarten students, their all over the place scheduling is going to be a nightmare.

We'll do the best that we can, but I need you all to take those little pieces into consideration. We could train teachers, but we're also adopting a new phonics program that they need to be trained in as well. And with the ongoing teachers leaving and coming back, hiring new teachers, having to retrain teachers, it's going to be difficult. I see the vision, and I understand the why, but... If it could be more clear... If we are non-English speakers. Just more guidelines before the school year starts. I know it starts, because we have to give that atlas screener. I called to try and figure out what it looks like the practice tests are just questions. So, we have no clear vision of how to even plan what it would look like to even make it work. So, there's just a of grey areas that I can interpret one way or another. That's our biggest concern. It's not clear, not laid out, you can do "this, this, or this" but right now we need as much, "you're going to this, this, and this." If a kid qualifies, how do I dismiss? Or do I have to tell a parent, "They're going to be in dyslexia". Or do I call it a reading intervention? So the language there is something I'd like you all to take into consideration. Thank you.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP. Language was also added to clarify that language acquisition is a factor which can be considered along with dyslexia screening to determine whether interventions are necessary.**

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Commenter Name: Debbie Quinn, Benton School District, Dyslexia Coordinator, May 31,2024

Comments: I'm Debbie Quinn, I'm with Benton School District, and I've been the dyslexia coordinator for about 6 years now. I have a lot of the same concerns that the 2 ladies who spoke before me have, and I have to preface that with: I am that kid, I have dyslexia. My life was

changed by an interventionist when I was a child. Obviously, with my position now, I have such a great passion for our students and helping them be successful. I am very concerned about the 15 days. I am the only one that tests for dyslexia in our district. Normally, from the time I get the student I have them tested within about 30 days. And I try to be very conscience of that because I want to catch them before they can possibly be referred to special education. If we can take care of that in dyslexia services first. We are also utilizing 4 different programs to best fit the needs of the student we are currently having teachers that are being right now. I teach a group as well every day of the week, so that kind of limits a lot of time too because it requires studying. It's a program that we're learning, the "Take Flight" program which is excellent. So, there's that concern, and we also have monthly RTI meetings at all of our elementary buildings. I attend those as well to make sure all of our kids in the RTI process are receiving the correct intervention and do we need to go further, do next steps need to be taken? That's already 5 days and to me that's hugely important and it's cut down a lot of... I don't want to say paperwork... but if things get lost, we have excellent notes and we track our students. We can utilize a lot of those through that process of trying to get them qualified for dyslexia services. So that 15 days and the 7 days is a concern to me even though I get my testing done in less time than they do in special education, they do 60 days and a 30 days to make their meeting. So, more guidance and direction on how to make that happen because obviously it's my job and I'm going to do whatever the wall tells us to do. But just more guidance and direction on that. And if that's going to come out in the dyslexia resource guide, when can we expect that direction, because I too feel like I'm going in without a plan. Everything is new and it's scary, and you want to do the best for students, but there is a concern. I trust everyone that's working on the tests but are we going to have to take time to give one-on-ones to check for accuracy and things of that nature and further, backing out the right time to have that child in the right intervention. Those are some of my concerns. I don't feel like I have a plan going in to help my teachers in guiding and directing. That's my comment. I'm obviously for having come up with learning disability. I'm definitely for everything that we're doing in our district, and that the State is doing, I just don't know how to make it happen in those timelines. So that's my main concern.

**Division Response: Comment considered; a change was to extend the time frame in which a school district must comply with the requirements of this rule by allowing thirty days from the time a student is identified by a screener until interventions are generally required to be provided. In addition, language was added clarifying that while parents must be notified, parental consent is not required except in the context of an IEP.**

*End of First Round of Public Comments*

SECOND PUBLIC COMMENT PERIOD

**Commenter Name and Organization (if applicable):** Kelsie King, M. Ed. Reading, Dyslexia Therapist  
Carlisle High School Dyslexia Interventionist/Literacy Facilitator

**Comments:** Is there a way to include the specific tests that should be administered for a Level II dyslexia screening for 3rd-12th-grade students? For example, the TWS-5 for spelling and the TOWRE-2 for decoding? And the specific Oral Reading Fluency and Encoding assessment mentioned as a screening measure for 3rd-12th graders?

**Division Response:** **Comments considered; no changes made. The division is not prepared to include this level of detail in the rule.**

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**Commenter Name and Organization (if applicable):** Jodie Daniell, Peake Elementary & APSD

**Comments:** Please update the wording to be more clear and specific regarding #3 on website reporting. We have been told that number should include all students still enrolled in the district that have ever been identified with characteristics even if they no longer receive services. The way it is worded, it says the number identified during the previous school year, which appears to not mean cumulative years. Please clarify this in the rules and regulations.

89.02.3 The total number of students identified with dyslexia during the previous school year.  
89.02.3.1 For purposes of Section 89.02.3, “identified with dyslexia” means students with a formal dyslexia diagnosis and students exhibiting the characteristics of dyslexia through a school-based or outside evaluation.

**Division Response:** **Comments considered; no changes made. The language addressed is outside the scope of the proposed changes and the division is not prepared to address this existing requirement at this time.**

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**Commenter Name and Organization (if applicable):** Lucas Harder, ARSBA

**Comments:**

4.04: The semicolon at the end should be a colon.

6.02.1: There should be a semicolon between “level” and “or”.

6.04.1: I believe that “shall be provided by a dyslexia intervention” is supposed to be “shall be provided by a dyslexia interventionist”.

14.00: The membership of the committee should be updated to align with Section 32 of Acts 340 and 341 of 2025.

**Division Response: Comments considered; non-substantive changes were made consistent with this comment. Changes related to section 14 were not made because the rule will take effect prior to the 2025 Act.**

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**Commenter Name and Organization (if applicable): Misty Cassels, Dyslexia Interventionist  
Cutter Morning Star Elementary**

**Comments:** I am needing clarification for section 8.02 which states that:

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

"Graduates from a dyslexia therapy program" Is this referring to a CALT or CALP? Or what specific dyslexia therapy programs is this referring to?

Also does "until there are a sufficient number of graduates" mean that programs like Sunday will no longer be approved by the department since this particular program allows paraprofessionals to deliver therapy to students?

**Division Response: Comments considered; no changes made. The language addressed is outside the scope of the proposed changes and the division is not prepared to address this existing requirement at this time.**

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**Commenter Name and Organization (if applicable): Kelsie King, M. Ed. Reading, Dyslexia  
Therapist  
Carlisle High School Dyslexia Interventionist/Literacy Facilitator**

**Comments:** 4.05.1 Students in kindergarten, grade one, and grade two, (K-2) shall be administered a Level I dyslexia screening using the testlets within the state assessment system or equivalent assessment approved by DESE. - What is an equivalent assessment approved by DESE? Is there a list of this somewhere to know specifically?

**Division Response:** **Comments considered; no changes made. Additional information related to this comment will be provided in the Dyslexia Resource Guide.**

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**Commenter Name and Organization (if applicable):** Lesley Nelms  
Federal/Special Programs Coordinator  
District Dyslexia & PLC Coordinator  
*Hamburg School District Central Office*

**Comments:** To Whom It May Concern:

The following comments pertain to the pending rules for Dyslexia Screenings and Interventions and 3 problem areas with the current draft of the rules including (1) supplanting IDEA services, (2) DESE setting cut scores, and (3) Artificial Intelligence (AI) scoring K-3 Screener.

### **1. Public Comments on Arkansas' Pending Dyslexia Rules: Supplanting IDEA Services**

**Background:** The Individuals with Disabilities Education Act (IDEA) mandates a Free Appropriate Public Education (FAPE) through individualized, specially designed instruction. State policies, including Arkansas' proposed dyslexia rules, must align with federal requirements and cannot limit or replace services mandated under IDEA.

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#### **a) Violation of FAPE through Supplanting Specialized Instruction**

IDEA guarantees FAPE through specially designed instruction tailored to each child with a disability (34 CFR §300.39). Arkansas' proposed dyslexia rules mandate general education dyslexia interventions, even after a child is identified with a disability, which risks replacing—rather than supplementing—their IEP services. This violates the core requirement of individualized education.

#### **b) Inappropriate Use of Dyslexia Interventions as a Substitute for IEP Services**

Once a child is identified as eligible under IDEA, an IEP must be developed and implemented (34 CFR §300.323). Continuing to rely solely on general education dyslexia interventions, despite eligibility, supplants IDEA-mandated special education services and denies students individualized support.

#### **c) Failure to Address Individualized Needs Undermines IDEA's Core Tenets**

The dyslexia rules promote uniform programming rather than instruction based on the child's unique needs, which conflicts with IDEA's definition of specially designed instruction (34 CFR §300.39(a)(1)). One-size-fits-all dyslexia approaches cannot replace individualized education.

#### **d) Potential for RTI to Delay or Replace Special Education Identification**

IDEA prohibits the use of RTI to delay or deny the evaluation of a child suspected of having a disability (34 CFR §300.309(c)). The pending rules risk misuse of dyslexia programming as a prolonged general education response, thereby delaying appropriate IDEA services.

#### **e) Lack of Coordination with IEP Teams Violates IDEA's Team-Based Process**

Decisions about services must be made by the IEP team, including parents and qualified professionals (34 CFR §300.321). The rules circumvent this process by prescribing dyslexia interventions outside of the IEP framework, thus supplanting team authority.

#### **f) IDEA Funding Cannot Be Used to Support General Education Interventions Alone**

Federal law requires IDEA Part B funds to supplement, not supplant, state and local funding (34 CFR §300.202(a)(3)). Mandating dyslexia services in lieu of special education services risks misallocation of federal funds.

#### **g) Risk of Denial of Procedural Safeguards**

Students receiving services under IDEA are entitled to due process rights and procedural safeguards (34 CFR §300.503). If dyslexia services are used as a substitute for an IEP, these legal protections may be denied.

#### **h) Improper Use of State-Mandated Programming Over Federal Mandates**

The Arkansas Constitution does not override federal law. Prioritizing state dyslexia protocols over IDEA protections is impermissible under the Supremacy Clause and violates the federal obligation to provide FAPE (20 U.S.C. §1412(a)(1)).

#### **i) Failure to Provide Extended School Year (ESY) When Needed**

Under IDEA, ESY services must be provided when necessary to ensure FAPE (34 CFR §300.106). The pending dyslexia rules do not account for this requirement, suggesting services may end with the school year, thereby supplanting IDEA-mandated supports.

#### **j) IEP Teams Cannot Be Bypassed by State Dyslexia Protocols**

Only an IEP team can determine the appropriate services for a student under IDEA. The Arkansas rules risk supplanting the IEP team's decisions by allowing standard dyslexia programming to override individualized educational planning (34 CFR §300.320–324).

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**Conclusion:** Arkansas' pending dyslexia rules, as drafted, appear to conflict with several provisions of IDEA by promoting supplanting of federally mandated services. To remain compliant, the rules must clarify that dyslexia interventions are provided *in addition to*, not *instead of*, IDEA services when a student qualifies for special education.

**Division Response: Comments considered; no changes made. With respect to the initial comments, the rule explicitly states that the rule does not amend requirements related to**

**IDEA. Changes were made to further clarify that while the rule may trigger screenings, the decision to provide dyslexia intervention is based on multiple factors and that, furthermore, screening is not required if a student has already been identified as in need of and has received dyslexia intervention. Further, the provision of instructions to address characteristics of dyslexia does not automatically equate to the designation of a student learning disability.**

**Commenter Name and Organization (if applicable):** Lesley Nelms  
Federal/Special Programs Coordinator  
District Dyslexia & PLC Coordinator  
*Hamburg School District Central Office*

## **2. Public Comments on Arkansas' Pending Dyslexia Rules: DESE Setting Cut Scores (Section 4.05.3)**

Level 2 screeners are standardized, research-based tools developed by publishers who establish cut scores and interpretive guidelines based on normative data and psychometric evidence. These screeners are designed to be used within specific parameters to ensure accurate identification and decision-making. Altering or overriding the publisher-established cut scores risks misapplying the assessment, which can lead to unreliable determinations about a student's reading needs and readiness for dismissal from intervention.

Furthermore, setting arbitrary or state-determined thresholds may contradict the legal and ethical standards for test use outlined by national professional organizations, such as the American Educational Research Association (AERA), which emphasize that assessments must be used for their intended purpose. Misuse of assessments not only undermines student support but also exposes the state and districts to potential legal challenges.

Therefore, I strongly recommend that the rules require districts to use the publisher-recommended scoring and interpretation criteria when determining a student's response to intervention and potential for exit. Decisions about exiting intervention should reflect multiple sources of data, and most importantly, must align with the assessment's intended use to preserve fidelity and protect student outcomes.

**Division Response: Comments considered. The division declines to delegate governmental authority in rule to a non-governmental entity due to the nondelegation doctrine and the importance of ensuring politically accountable oversight. With regard to comments addressing the conclusion of a student's intervention, language was added in 6.02 to address these concerns.**

**Commenter Name and Organization (if applicable):** Lesley Nelms  
Federal/Special Programs Coordinator  
District Dyslexia & PLC Coordinator  
*Hamburg School District Central Office*

### **3. Public Comments on Arkansas' Pending Dyslexia Rules: Artificial Intelligence in Scoring K-3 Screener**

The problem with scoring *Oral Reading Fluency* (ORF) using Artificial Intelligence (AI) under the current pending Arkansas dyslexia rules stems from a lack of clarity and safeguards around how ORF data is generated, evaluated, and validated when AI is used.

**a) There is no guidance or regulation in the rules about how AI-based ORF scoring should be used, evaluated, or validated.**

This omission could result in:

- Inconsistent accuracy across districts.
- Lack of transparency for educators and parents.
- Potential bias or misinterpretation of student ability by AI systems.

**b) The rules require that screeners be administered “with fidelity” and that they include ORF for grades 3–12 when screening for dyslexia.**

If AI tools are:

- **Not validated** for diverse accents, dialects, or speech differences (e.g., speech impediments, second-language learners),
- **Inaccurate in prosody or phrasing analysis**, or
- **Unable to detect self-corrections or subtle comprehension indicators**,

then the screening may fail to meet fidelity standards, leading to misidentification or missed interventions.

**c) The rules include requirements for documentation, notification, and individualized intervention, especially if a student is flagged for a substantial reading deficit or dyslexia. If:**

- AI-scored ORF results are used as part of a high-stakes decision (e.g., identifying a substantial reading deficit),
- and those scores are flawed,

**schools could be making legally binding decisions (e.g., Section 504 or IDEA referrals) based on flawed or opaque algorithms.** This opens potential legal risks and undermines due process rights for students and families.

**d) The rules only require parent notification after results are obtained. If AI plays a central role in determining risk and parents aren't informed:**

- There may be a **lack of informed consent**, particularly if the AI system stores voice data or evaluates speech.
- Parents may not trust or understand the basis of the recommendation, particularly if they receive an unexpected result.

**Division Response: Comments considered; no changes made. The department will continue to vet and improve the assessment to ensure the integrated dyslexia screener is effective.**

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**Commenter Name and Organization (if applicable):** Christina Coots, MSE, NBCT  
Dyslexia Therapist

**Comments:** 4.05.3 Students shall be identified as at risk for a substantial reading deficit based on cut-points and indicators approved by the Division of Elementary and Secondary Education.

*What specific areas or cut scores should be analyzed to determine if further testing is needed in grade 3? What combination of the following skills warrants a Level 2 Dyslexia Screening?*

4.02.1 Phonological and phonemic awareness; 4.02.2 Sound symbol recognition; 4.02.3 Alphabet knowledge; 4.02.4 Decoding skills; 4.02.5 Rapid naming skills; and 4.02.6 Encoding skills; and 4.02.7 Language comprehension.

**Division Response: Comments considered. No changes made.**

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**Commenter Name and Organization (if applicable):** Leslie M. Williams, M.Ed.  
District Dyslexia Coordinator  
Lead CALT *in training*  
Searcy Public Schools

**Comments:** I have a question about the proposed Dyslexia Rules & Regs.

12.01 Professional Awareness of Dyslexia:

How often is this? Is it yearly or a one-time professional development?

**Division Response: Comments considered; no changes made. The language addressed is outside the scope of the proposed changes and the division is not prepared to address this existing requirement at this time.**

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**Commenter Name and Organization (if applicable):** Sheila Sharpless  
Reading Teacher  
Elza R. Tucker Elementary

**Comments:** To Whom This May Concern,

After reading the draft of the rules governing dyslexia screenings, I have the following questions:

Will the areas mentioned be NORMED assessments and consistent throughout the state?

Regarding: The screening of students shall be performed with fidelity and include without limitation: 4.02.1 Phonological and phonemic awareness; 4.02.2 Sound symbol recognition; 4.02.3 Alphabet knowledge; 4.02.4 Decoding skills; 4.02.5 Rapid naming skills; and 4.02.6 Encoding skills; and 4.02.7 Language comprehension.

What is the expected knowledge of Kindergarteners with regard to the timeline of the assessment?

4.04.1 Not less than thirty (30) days after the first day of the school year;

Will the state provide progress monitoring tools to determine curriculum/ program effectiveness for reporting?

Regarding, The progress of a student receiving dyslexia intervention shall be documented within the individual reading plan and a report of this student's progress shall be provided to the parents not less than once per quarter. 6.03.1 The progress report shall include the student's progress toward completing the dyslexia program; 6.03.2 The progress report shall include data points for measuring mastery of individual skills addressed in completed lessons of the dyslexia program; and 6.03.3 The progress report shall include data points for assessing progress toward grade level including but not limited to: 6.03.3.1 Decoding, 6.03.3.2 Word recognition, 6.03.3.3 Spelling, 6.03.3.4 Fluency, and 6.03.3.5 Reading comprehension.

Thank you for your consideration of these questions.

**Division Response: Comment Considered, no changes made. Yes, the Department is currently working through the process of setting appropriate cut scores. These decisions are being guided by national benchmarks, expert input, and state-specific impact data.**

**As part of this process, all assessments must go through a validation phase. While normative methods are one way to establish cut scores, they are not the only valid or reliable approach we consider.**

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**Commenter Name and Organization (if applicable):** Amanda Sims  
Literacy Instructional Facilitator  
Searcy Public Schools

**Comments:** I am seeking clarification on the intent and application of Section 6.01.1. As I understand it, this section may suggest that schools are allowed to provide dyslexia interventions based on student need, without requiring explicit parent or guardian consent. I would like to confirm whether that is the correct interpretation.

Specifically, I would like clarification on the following points:

- **Does Section 6.01.1 mean that schools are not required to obtain parental consent to begin dyslexia interventions?**
- **Can parents opt their child out of these interventions, even if the student is not reading at grade level?**
- **Is student exit from dyslexia intervention determined solely by meeting the criteria outlined in 6.01.2.1 or 6.01.2.2?**

Thank you for the opportunity to seek clarification and provide input.

**Division Response: Comment Considered, no changes made. With respect to the first and second question, parental consent is not required; however, parental notice is required. With respect to the third question, the answer is yes.**

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**Commenter Name and Organization (if applicable):** Amanda Sims  
 Literacy Instructional Facilitator  
 Searcy Public Schools

**Comments: Comment on Section 4.06.1 – Dyslexia Evaluation Timeline**

I am concerned that Section 4.06.1 sets a 30-day timeline for dyslexia, which is significantly shorter than the 90-day timeline allowed for special education evaluations, decisions, and placement. Given the required components of identifying and providing services for characteristics of dyslexia, 30 days does not seem reasonable. I recommend aligning this timeline more closely with the special education evaluation process to ensure thorough, equitable evaluation for all students.

**Division Response: Comments considered; no changes made.**

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**Commenter Name and Organization (if applicable):** Summer Swaim, Dyslexia Specialist  
 Rogers Public Schools

**Comments:** Dear Sir or Madam:

Please accept the following comments and suggestions regarding the proposed revisions to the rules and regulations for Dyslexia Screenings and Intervention. I respectfully request that these points be considered during the revision process to ensure clarity and consistency in implementation.

4.04.2	Repeated if indicated, midyear; and	This phrase is unclear and requires further clarification. Please specify the conditions
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		under which a midyear repetition would be necessary.
4.05.1	Students in kindergarten, grade one, and grade two, (K-2) shall be administered a Level I dyslexia screening using the testlets within the state assessment system or equivalent assessment approved by DESE.	Please clarify what constitutes an "equivalent assessment approved by DESE." A list of approved assessments or defined criteria would be helpful.
4.05.4	School personnel shall use the assessment results, along with other relevant information, such as work sampling, language acquisition, disabilities, or impairment to determine if there is a need for dyslexia therapy or early reading interventions.	The relationship between “dyslexia therapy” and “dyslexia intervention” should be clearly defined. Are these terms being used interchangeably? If so, please specify.
5.01	A school district shall screen any student in grades three through twelve (3-12) experiencing difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance.	The term “fluency” is vague. Please specify whether this refers to word-level, sentence-level, or passage-level fluency. – In addition, the regulation should include clear exceptions, such as: <ul style="list-style-type: none"> <li>• Students already identified as exhibiting characteristics of dyslexia</li> <li>• Students who are new to the country and lack sufficient English proficiency to participate in dyslexia screenings</li> </ul>
5.04	If the results of a screener required under Section 5.01 identify that a student exhibits deficits in fluency or spelling, the school district shall administer a Level II dyslexia screening.	The term “fluency” again needs clarification. Dyslexia is primarily a word-reading deficit, and not all fluency deficits are indicative of dyslexia. – The current language (“fluency or spelling”) is problematic. Best practices, such as those outlined by the Texas Scottish

		<p>Rite Hospital, emphasize evaluating deficits in word reading, passage fluency <b>and</b> spelling—not simply “fluency or spelling.” This section should reflect that guidance.</p> <p>It’s not fluency OR spelling.</p>
6.01	<p>If a student is identified as requiring a dyslexia intervention under this rule, the student shall receive dyslexia intervention by a trained interventionist using a dyslexia program that complies with the requirements of Sections 6.01.2 and 8.01.</p>	<p>Many school districts currently lack the personnel to administer all Level II screenings and to provide comprehensive, pull-out dyslexia interventions.</p> <ul style="list-style-type: none"> <li>– Programs like <i>Take Flight</i> are effective but often cost-prohibitive and resource-intensive. Most alternative programs require additional supplementation to meet intervention needs, which places a significant burden on districts.</li> <li>– If <i>Take Flight</i> is the preferred or recommended program, this should be explicitly stated by DESE, along with a commitment to provide necessary training and support for all districts.</li> </ul>
6.03.3.5	<p>Reading comprehension.</p>	<p>This requirement may be unnecessary in the context of dyslexia intervention, as dyslexia primarily affects word reading, not comprehension. Please consider removing or revising this point.</p>
9.02.3.1	<p>For purposes of Section 89.02.3, “identified with dyslexia” means students with a formal dyslexia diagnosis and students exhibiting the characteristics of dyslexia through a school-based or outside evaluation.</p>	<p>This definition appears to conflict with current district reporting requirements. Further clarification is needed to align reporting expectations with this definition.</p>

Thank you for your time and consideration. I appreciate the effort that goes into drafting these regulations and offer this feedback in the spirit of collaboration to support students and educators across the state.

**Division Response: Comments considered; no changes made. Additional clarity will be provided regarding many of these issues in the Dyslexia Resource Guide. This will include lists of approved programs. Additional comments address statutory language such as requirements screening mid year “if indicated” and references to Level I or Level II screenings. Also the use of “or” in 5.04 reflects statutory language.**

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**Commenter Name and Organization (if applicable): Jamie Preston, Lakeside (Garland County)**

**Comments:**

To : DESE  
From : Lakeside School District  
Re: Dyslexia Screenings and Intervention Rule proposals



After reading and studying the draft of the rules governing dyslexia screenings and interventions, our team at Lakeside requests some clarification on the items that are listed as follows:

3.17 “Substantial Reading Deficit”- may need clarification for assessments that would place students in this category. Will the state assessments break down the deficits outlined in 3.17.2? What specific intervention does the state require for students in this category? Would these be considered tier 2 or tier 3?

4.06.1 30 days - Is this 30 school days or 30 calendar days?

5.03.1 Where is the list of DESE-approved screeners?

6.01 The phrasing says that the intervention services shall comply with the requirements of section 6.01.2, but that section doesn't exist.

6.02 Intervention shall continue until “The student is performing at expected level.” Who determines this and using which assessments?

6.02.2.1 Define “prescribed course of study.”

6.04 If dyslexia intervention is a related service as determined by the IEP team, will this be Medicaid billable?

7.01.1 How often should parents be notified?

14.00 When will the updated Dyslexia Resource Guide be released?  
When will these rules take effect? Difficult to have trained staff with no timelines.

**Division Response: Comments considered, a technical change was made to correct an erroneous internal cross reference. With respect to the question regarding days, when not otherwise qualified thirty days means thirty calendar days. Determinations regarding the ending of Dyslexia services are made by the dyslexia specialist in consultation with parents. See 6.02.2.1. Proscribed course of study refers to the student’s classes and curriculum. Additional clarity will be provided regarding many of these issues in the Dyslexia Resource Guide. The questions and comments regarding Medicaid billing are outside the scope of this rule.**

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**Commenter Name and Organization (if applicable): Jodi Quinn, Dyslexia Coordinator  
Benton School District**

**Comments:** 6.03.3 The progress report shall include data points for assessing progress toward grade level, including but not limited to: 6.03.3.1 Decoding, 6.03.3.2 Word recognition, 6.03.3.3 Spelling, 6.03.3.4 Fluency, and 6.03.3.5 Reading comprehension.

To whom it may concern,

I do not have a problem with reporting to parents each quarter. We already do that in Benton, updating them on their progress within the program.

However, when we are looking at 4x's a year toward grade level progress...where will this come from?

1. Can screeners be used? K-3 students are already doing this in the classroom for B, M, E.
2. Are we going to have to test these students twice, or can we use those scores or a curriculum-based measure? This just seems like double work for the student and the interventionist, which takes away from instruction.
3. Or, are there going to be specific assessments for this because none of the programs we use, including Take Flight, do not provide progress monitoring to compare growth according to grade level standards.
4. There are no grade-level norms for fluency past Grade 8 on DIBELS and Grade 6 for Hasbrook & Tindal. What do we use for grades 9-12?
5. If we are supposed to do this, **specific** and **detailed** guidelines should be developed to guide us in what resources we can use or what will be provided by the state to ensure streamlining.

**Division Response: Comments considered, no changes made. Additional clarity will be provided regarding many of these issues in the Dyslexia Resource Guide.**

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**Commenter Name and Organization (if applicable):** Taylor Doan, tdoan@bryantschools.org

**Comments:** Please find the following comments on the proposed Dyslexia Rules and Regulations:

**3.12 “Oral Reading Fluency” means the ability to read grade-level text with an appropriate rate to support comprehension, self-correcting as necessary.**

While the definition of *Oral Reading Fluency* rightly emphasizes appropriate rate and self-correction to support comprehension, it is important to recognize that AI-based scoring systems present significant limitations when applied to this complex skill. ORF involves speed and accuracy, prosody (expression, phrasing, and pacing), self-monitoring behaviors, and real-time comprehension—all of which require nuanced human judgment. The rules have no guidance or regulation about how AI-based ORF scoring should be used, evaluated, or validated.

Current AI technologies often lack the capacity to fully capture:

- Self-corrections and problem-solving strategies, which are critical indicators of reading development
- Prosodic features, such as intonation and phrasing, which affect and reflect comprehension
- Contextual understanding is necessary to distinguish between meaningful and superficial fluency.

b) The rules require that screeners be administered “with fidelity” and that they include ORF for grades 3–12 when screening for dyslexia.

Over-reliance on AI scoring risks misrepresenting student ability, particularly for multilingual learners or students with speech differences. Moreover, automated systems can introduce bias and inconsistency, especially when interpreting oral language features that vary by dialect or cultural background.

**3.0715.4 Basing instructional decisions about the intensity and duration of interventions on assessment data and individual student response to intervention.**

This seems to conflict with the "delivered with fidelity" rule 3.0305.4

**4.02.7 Language comprehension.**

The rules and regulations define “language comprehension” as the ability to understand spoken and written language, including vocabulary and listening comprehension. The current screener only requires students to listen to a story and answer questions, which is developmentally inappropriate for K-2. The screeners must be completed within the first 30 days of the school year. Students have not had experience with a keyboard or how to type when they do not know letters or letter symbols, and the cognitive load of that task for kindergarten students is developmentally inappropriate.

**6.03 The progress of a student receiving dyslexia intervention shall be documented within the individual reading plan and a report of this student’s progress shall be provided to the parents not less than once per quarter**

The law does not mandate quarterly reports to parents or inclusion of progress updates in the Individualized Reading Plan (IRP). Instead, it requires that student progress is monitored and reported to the parent or legal guardian at least two (2) times each school year.

The district is obligated to implement the dyslexia intervention program with fidelity, which may include more frequent parent communication as outlined in the program's specific requirements.

Mandating that interventionists duplicate this information in both the program’s reporting system and the IRP results in redundant work. Schools are already required to follow the program’s fidelity guidelines, which include structured monitoring and communication protocols. For example, the Take Flight program has built-in monitoring and reporting components that meet legal and programmatic expectations.

Requiring interventionists to also input this data into the IRP is not supported by law and is not part of the program’s fidelity standards. Doing so imposes an unnecessary administrative burden without adding value to the existing reporting process.

**6.03.2 The progress report shall include data points for measuring mastery of individual skills addressed in completed lessons of the dyslexia program; and**

**6.03.3 The progress report shall include data points for assessing progress toward grade level including but not limited to:**

Progress reports are distributed every nine weeks to inform parents about their child's progress in the dyslexia therapy program. However, since similar information, particularly regarding fluency and comprehension, is already provided through regular classroom report cards, the added emphasis on grade-level benchmarks in the therapy reports may be redundant. Additionally, the definition of 'grade level' is continually increasing in difficulty, which can create confusion. The primary purpose of the therapy progress reports should remain focused on the student's progress toward the specific goals outlined in the dyslexia intervention curriculum.

The law says, "Dyslexia program" means explicit, direct instruction that is:

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

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

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

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

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

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

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

(v) Strategies that students use for decoding,

encoding, word recognition, fluency, and comprehension; and

(D)

(i) Delivered with fidelity.

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

**Other comments:**

Overall, inconsistencies in the testing platform and a lack of technological proficiency among students may result in skewed data, potentially leading to the misidentification of students as having deficiencies when they do not.

**Division Response: Comments considered, no changes made. Additional clarity will be provided regarding many of these issues in the Dyslexia Resource Guide.**

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**Commenter Name and Organization (if applicable): Debbie Jones, Ed.D., Superintendent  
Bentonville Schools**

**Comments: K-3 Screener (4.00)**

4.04 The school district shall administer the assessment required under 4.01. 4.04.2 Repeat if indicated, midyear This lacks clarity. What does "if indicated mean".

4.05.01 Students in kindergarten, grade one, and grade two, (K-2) shall be administered a Level I dyslexia screening using the testlets within the state assessment system or equivalent assessment approved by DESE. I have heard that the state may lean more towards using an equivalent assessment with the testlets being a progress monitoring tool. If so, it needs to be restated to reflect this for clarity.

**3-12 Screening (5.00)**

5.05 referred to the level 2 screener results and provided dyslexia intervention. 5.05.1 Except as provided in Section 5.05.2, dyslexia intervention shall begin no later than thirty (30) days from the date the student was identified for screening pursuant to Section 5.01 30 days are calendar days. While this timeline is tight. I believe that having the timeline focused on beginning intervention is better than focusing on completion of a level II screener that relied on obtaining parent consent. When we administer the initial screener for fluency and spelling the data often shows either a clear need for the intervention or not. We can give the dyslexia

intervention placement assessment and place our student in the intervention within 30 days while waiting for the level II results. This is how we screened in the past. For students who appear to not need the intervention, we can prioritize their screener and complete it within the 30 day window for placement considerations. I believe this is the best way to remain compliant and do what's best for kids at the same time.

#### 6.00 Requirements for Intervention

6.01.1 6.01.1 Except as required pursuant to Section 6.04, prior consent of a parent or legal guardian is not required to begin dyslexia intervention. This is new. I believe this is how they are addressing the need for parental consent to complete a level II screener and how it impacts the 30 day timeline. I think this statement is supporting the procedure of placement in intervention before the level II is complete that I described above.

6.02 Exiting Students - the process outlined in this section partners with parents to make the determination. When combined with our existing procedures. I believe it is the best we could hope for.

6.03 Progress monitoring requirements - progress monitoring is increased from 2 times a year to quarterly. Specific data must be reported. I have already revised our existing PM reports and procedures to reflect the additional components since it is very similar to what we already provided

#### 9.00 Reporting by School Districts

9.02.3 The total number of students identified with dyslexia during the previous school year. 9.02.3.1 For purposes of Section 89.02.3, “identified with dyslexia” means students with a formal dyslexia diagnosis and students exhibiting the characteristics of dyslexia through a school-based or outside evaluation. This wording has not changed since the initial release. However, it conflicts with the data that we are actually being told to report. The law and rules are aligned. They state that we report the number of students identified during the previous school year. However, when we are audited, the office of accountability would like to have a cumulative number which is extremely challenging to track. See image below.

## Website Reporting

**July 15**

1. Program(s) used in 2023-2024.
2. Number of students that received dyslexia intervention in 2023-2024. (Should be similar to what is in eSchool.)
3. Total number of students enrolled in your school during 2023-2024 that have been identified in any year. (Should not be less than #2)

**Division Response: Comments considered; no changes made. Additional clarity will be provided regarding many of these issues in the Dyslexia Resource Guide. This will include lists of approved programs. Additional comments address statutory language such as requirements screening mid year “if indicated” and references to Level I or Level II screenings.**

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**Commenter Name and Organization (if applicable): Brian Hyde, *Reading Interventionist*  
*Allen Elementary*  
*Siloam Springs School District***

**Comments:**

Initial screener, level 1 screener, and level II screener need to be defined.

Also, screener and diagnostic assessment need to be defined and used more clearly throughout the document.

The resource guide should also be defined and clearly stated if it is meant to be used as rule/law or guidance/suggestions from ADE.

	<p>Often unexpected in relation to other cognitive abilities - this is a source of challenge and confusion in our field. Could we get more clarity in how to determine what is unexpected?</p> <p>As specialists, we also need to look at and be aware of the conversation in the field about updating the definition of dyslexia to include “persistent difficulty.” You can read more about it <a href="#">here</a>.</p>
<p><del>3.04</del> <u>03</u> “Dyslexia” means a specific learning disability that is:</p> <p><del>3.04</del> <u>03.1</u> Neurological in origin;</p> <p><del>3.04</del> <u>03.2</u> Characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language; and</p> <p><del>3.04</del> <u>03.3</u> Often unexpected in relation to other cognitive abilities.</p>	<p>Throughout the document, there is reference to dyslexia intervention. In 3.08, it references dyslexia therapy. Because it was referred to as dyslexia intervention every where else in the document, this makes the reference to dyslexia therapy confusing.</p> <p>Would it be beneficial for clarity to only use “dyslexia therapy” with “dyslexia therapists” and “dyslexia intervention” the rest of the time with “dyslexia interventionists.” In other words, dyslexia therapists provide dyslexia therapy and dyslexia interventionists provide dyslexia intervention.</p>
<p><del>3.05</del> <u>07</u> “Dyslexia therapist” means a professional who has completed training and obtained certification in dyslexia therapy from a dyslexia therapy training program defined by the Arkansas Department of Education.</p>	<p>By defining dyslexia therapist as a specialized and certified person, it makes it confusing to refer to dyslexia intervention as “dyslexia therapy.” We are under the impression that dyslexia therapists</p>

	<p>deliver dyslexia therapy and those without the specialized certification are providing dyslexia intervention.</p>
<p>3.09 <u>“Early signs consistent with characteristics of dyslexia” means the clearest early indicators of dyslexia observed as early as kindergarten including difficulties acquiring phonemic awareness, learning letter/sound correspondences, and learning to decode print using phonemic decoding strategies.</u></p>	<p>Notice how it says “difficulties acquiring.” We are often encouraged by ADE to check the dyslexia intervention box on eschool very early. However, current conversations among experts in the field are calling for an updated definition of dyslexia to include “persistent difficulties.” Meaning, after time in intervention with progress monitoring and adjustments being made to instruction, a student may be looked at more closely for “characteristics of dyslexia.” It is important to note that if progress monitoring and adjustments to instruction are not being made, then this is actually a wait to fail model– which is inappropriate. You can read more about the call for an updated definition of dyslexia <a href="#">here</a>.</p> <p>The region has interpreted the “difficulties acquiring” as a “persistent difficulty” even with strong intervention.</p>

<p>3.0715 “Response to Intervention (RTI)” is the practice of:</p> <ul style="list-style-type: none"> <li>3.0715.1 Screening students to identify those needing extra support;</li> <li>3.0715.2 Providing high-quality instruction and appropriate interventions matched to student needs;</li> <li>3.0715.3 Closely monitoring progress to assess both the learning rate and the level of performance of individual students; and</li> <li>3.0715.4 Basing instructional decisions about the intensity and duration of interventions on <u>assessment data</u> and individual student response to intervention.</li> </ul>	<p>This section on RTI solidifies our interpretation of “difficulties acquiring.”</p>
<p>3.17 “Substantial reading deficit” means:</p> <ul style="list-style-type: none"> <li>3.17.1 <u>A score at the lowest achievement level or benchmark on the screening or progress monitoring when using a high quality, evidence-based screener approved by the Division of Elementary and Secondary Education; or</u></li> <li>3.17.2 <u>Evidence of minimum skill levels for reading competency in one or more of the areas of phonological awareness, phonics, vocabulary, oral language skills, reading fluency, and reading comprehension documented on consecutive formative assessments or documented in teacher observation data.</u></li> </ul>	<p>On ATLAS we just see risk or potential risk, but we aren’t sure how to rank the level of risk. On DIBELS or Acadience, we are given percentiles and cut scores.</p> <p>0-10th Percentile = significant risk and the recommendation according to <a href="#">this document</a> is to put them in a highly intensive intervention. Click on the link, find “Dyslexia within RTI” ebook and download.</p> <p>11th-20th Percentile = some risk and the recommendation according to the same document is to target instruction, but not necessarily at the highest level of intensity.</p> <p>3.17.2 includes skills associated with “early signs consistent with characteristics of dyslexia.” So it makes it seem like everyone that flags gets put into the substantial reading deficit bucket.</p>

	<p>Our interpretation is that ATLAS identifies a substantial reading deficit.</p> <p>How will the cut points/scores be calculated and used to identify characteristics of dyslexia?</p>
<p><u>4.04 The school district shall administer the assessment required under Section 4.01:</u></p> <p><u>4.04.1 Not less than thirty (30) days after the first day of the school year;</u></p> <p><u>4.04.2 Repeated if indicated, midyear; and</u></p> <p><u>4.04.3 At the end of the school year.</u></p>	<p>Repeated if indicated- we are unsure what this means. Does it mean a student will be readministered the assessment mid year if they flagged beginning of year?</p> <p>Please clarify in the rules and regs or updated resource guide.</p>
<p><u>4.05 If a student is identified by the assessment required under Section 4.01 as indicating early signs consistent with the characteristics of dyslexia or a substantial reading deficit, and that student is not already receiving dyslexia intervention, that student shall be administered additional diagnostic literacy assessments.</u></p>	<p>Like that it does not require students in dyslexia intervention to be given a level I assessment again.</p>
<p><u>4.05.1 Students in kindergarten, grade one, and grade two, (K-2) shall be administered a Level I dyslexia screening using the testlets within the state assessment system or equivalent assessment approved by DESE.</u></p>	<p>Clear guidance with a list needed here. Above it says “diagnostic literacy assessments.”</p> <p>We are often given a list with a mix of screeners and diagnostics. Sometimes the state literacy coach team creates these diagnostics.</p> <p>Could the resource guide be explicit in providing a list?</p>

4.05.2 Students in grade three (3) shall be administered a Level II dyslexia screening.

So here, if they flag as being at risk on the BOY ATLAS screener then they shall be administered a Level II dyslexia screening... what if they had a bad testing day and none of our historical data supports that decision?

What if the student is new to the country and doesn't know English?

What if the student already has an IEP for a specific learning disability?

What if the student never flagged as struggling or needing intervention before this assessment? Why can't we put them in intervention before assessing?

What if they only flagged on vocabulary or something that isn't one of the primary characteristics of dyslexia?

What if they were homeschooled until entering 3rd grade and haven't had access to instruction? Why can't we place them in intervention to see how they respond before making a level II testing decision?

4.05.3 Students shall be identified as at risk for a substantial reading deficit based on cut-points and indicators approved by the Division of Elementary and Secondary Education.

4.05.4 School personnel shall use the assessment results, along with other relevant information, such as work sampling, language acquisition, disabilities, or impairment to determine if there is a need for dyslexia therapy or early reading interventions.

Are these available?

We interpreted this to mean we can use additional data points and a multidisciplinary team to determine if there is a need for dyslexia “therapy” or early reading interventions. Our interpretation is that all students who are at risk fall under “substantial reading deficit,” but it is up to the multidisciplinary team to determine if the student would benefit from “early reading intervention (structured literacy)” **or** “dyslexia therapy.” Please refer to 3.08 in reference to the terms “dyslexia therapy” and “dyslexia intervention.”

One piece of feedback: the term “dyslexia therapy” is too close to “dyslexia therapist.” Most people were thrown off by this term change and thought it was addressing the dyslexia therapist (CALT) delivering dyslexia therapy because the term that has been used to describe the services provided by a dyslexia interventionist has been “dyslexia intervention” throughout this entire document. This is the only time “dyslexia therapy is mentioned.”

<p><u>4.06</u> If a student is found to require dyslexia intervention based on the dyslexia screening required in Section 4.05, the student shall receive dyslexia intervention by a trained interventionist pursuant to Section 6.00.</p> <p><u>4.06.1</u> Except as provided in Section 4.06.2, the dyslexia intervention shall begin no later than thirty (30) days from the date the student was identified as requiring screening under Section 4.01.</p>	<p>In reference to my feedback above: why did the term change to dyslexia intervention when above the term is “dyslexia therapy?”</p> <p>We need a clear statement here. People are interpreting “was identified as requiring screening” at different points in the process.</p> <p>Is it student specific?</p> <p>Does the 30 days start after they flag on the BOY screener or Level I assessments?</p> <p>Does the 30 days start as soon as a persistent difficulty in structured literacy intervention is identified?</p> <p>What if the student is identified in May?</p>
<p><u>5.01</u> A school district shall screen any student in grades three through twelve (3-12) experiencing difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance.</p> <p><u>5.01.1</u> Students may be identified for screening by the results of the statewide student assessment in addition to other considerations.</p>	<p>What level of screening is this? Initial or level I?</p> <p>This feels like an all or nothing statement. Many students struggle with spelling, but not reading (word recognition, fluency, reading comprehension). This doesn't align with the definition of dyslexia being a word reading difficulty AND spelling difficulty.</p>

If a student has a bad testing day on ATLAS and the school has evidence of grade level performance on reading (word recognition, fluency, reading comprehension) and spelling, does the child need to be level II screened or does 5.01.1 (in addition to other considerations) disqualify the need for a level II?

The process of level II screening, analyzing results, communicating with parents/guardians to schedule meetings, and holding meetings can range from 5-15 hours, or longer. If we follow best practice, the only difference between level II screening and a SPED evaluation is we don't do IQ testing. Some districts don't have a designated person or team to do all this testing and continue to provide intervention. Intervention is suffering. I understand districts should hire more people, but the "unfunded mandate" comments do make sense when we compare to the funding SPED gets. SPED often has us provide dyslexia intervention and some are even requesting dyslexia contacts to do all the testing and are not moving forward with SPED evaluations "because it looks like it might be dyslexia."

If the intention is to catch all kids that need help, we are completely on board and want to do what's best for kids. That is an important

	<p>mission, so how will the state support districts in meeting this? If we approach this directly and swiftly with all hands on deck, within the next 2 years, I predict the numbers will significantly decrease. But what we absolutely cannot do, is sacrifice time in intervention. We need more resources and more funding to accomplish this.</p> <p>What about exception statements (limited English proficiency, students already qualifying under specific learning disability in foundational reading skills/ intellectual disability/the unexpected piece of the dyslexia definition, students who have been in dyslexia intervention for years, students who have already been level II tested and were not found to qualify for characteristics of dyslexia)?</p>
<p><u>5.02 A screening required under Section 5.01 shall be performed with fidelity using screening measures of:</u></p> <p><u>5.02.1 Oral reading fluency; and</u></p> <p><u>5.02.2 Encoding.</u></p>	<p>What level of screening is this? Initial or level I?</p> <p>Should schools universally administer these assessments to all students?</p> <p>Or do we administer ORF and encoding when a parent/guardian, classroom teacher, or another knowledgeable individual of the student's academic performance</p>

	<p>documents the struggle in fluency or spelling?</p> <p>The first option is the mission to catch them all, which we are on board with. We just need it clearly stated.</p>
<p><u>5.03.1 Utilize a screener approved by the Division of Elementary and Secondary Education; and</u></p>	<p>We need a list.</p>
<p><u>5.04 If the results of a screener required under Section 5.01 identify that a student exhibits deficits in fluency or spelling, the school district shall administer a Level II dyslexia screening.</u></p>	<p>See comment on 5.01 above.</p> <p>This language makes it feel like the student must be given a level II screener, which is formal testing, even if the parent/guardian does not give permission. This goes against the ethics we have been taught when using this level of testing. Special Education cannot move forward with an evaluation without clear parent permission. Why is dyslexia different? It is a specific learning disability.</p> <p>An option shared during a unit meeting was, create an opt out letter to parents. So, all students that indicate a need will be level II tested unless the parent signs the <b>opt out</b> letter. That doesn't feel clear for parents and it feels like we are trying to get one past them and test their child without their full understanding.</p>

<p><u>5.05 If a student is found to require intervention based on the Level II dyslexia screening the student shall receive dyslexia intervention by a trained interventionist pursuant to Section 6.00.</u></p> <p><u>5.05.1 Except as provided in Section 5.05.2, dyslexia intervention shall begin no later than thirty (30) days from the date the student was identified for screening pursuant to Section 5.01</u></p>	<p>So, if permission is not given to level II test, can the student not go into dyslexia intervention?</p> <p>A lot of the conversation going on in our field right now is discussing that the wealth of data we have paired with intervention history and the student demonstrating a persistent difficulty is enough to place them in dyslexia intervention and even qualify for a 504. So, can students be placed in dyslexia intervention without level II testing? 6.01.1 states that “prior consent of a parent or legal guardian is not required to <b>begin dyslexia intervention.</b>”</p> <p>So with those two statements combined, do we need to infer that all students who flag on ORF or spelling shall be given a level II, even if their parent does not give permission?</p>
<p><u>6.01.1 Except as required pursuant to Section 6.04, prior consent of a parent or legal guardian is not required to begin dyslexia intervention.</u></p>	<p>See above</p>

<p><u>6.02 Dyslexia intervention provided pursuant to this rule shall continue until:</u></p> <p><u>6.02.1 The student is performing at expected level or</u></p> <p><u>6.02.2 The dyslexia interventionist, in consultation with a parent or legal guardian, determine:</u></p> <p><u>6.02.2.1 The student has improved his or her word recognition, spelling, and decoding abilities to a degree that the student is able to successfully continue the prescribed course of study for that student; and</u></p>	<p>Does expected level mean grade level?</p>
<p><u>6.02.2.2 Continued dyslexia intervention is unlikely to provide meaningful improvements in the student's ability to read.</u></p>	<p>6.02.2.1 and 6.02.2.2: Do we need to infer that, provided their accommodations, the student will be successful in their course of study?</p> <p>What does meaningful improvements mean? Does it mean they are stuck in their dyslexia intervention and haven't made progress? Does it mean they completed their dyslexia intervention program and the case manager/dyslexia interventionist predicts they won't improve anymore?</p> <p>We need an exit criteria- does that fall on the school/district or state?</p>

<p><u>6.03 The progress of a student receiving dyslexia intervention shall be documented within the individual reading plan and a report of this student's progress shall be provided to the parents not less than once per quarter.</u></p>	<p>IRPs don't extend past the elementary grades. Where do they get the template? Will this IRP be on Cambium/ATLAS for the upper grades?</p> <p>Is it just a paper copy? What if districts/schools have a system for historically tracking progress across the dyslexia intervention? Do they replace it with an IRP?</p>
<p><u>6.03.1 The progress report shall include the student's progress toward completing the dyslexia program;</u></p> <p><u>6.03.2 The progress report shall include data points for measuring mastery of individual skills addressed in completed lessons of the dyslexia program; and</u></p>	<p>Which skills? In 3.03.3 it lists "data points for assessing progress toward grade level," but 6.03.2 doesn't list specific skills to monitor for mastery.</p>
<p><u>6.03.3 The progress report shall include data points for assessing progress toward grade level including but not limited to:</u></p> <p><u>6.03.3.1 Decoding,</u></p> <p><u>6.03.3.2 Word recognition,</u></p> <p><u>6.03.3.3 Spelling,</u></p> <p><u>6.03.3.4 Fluency, and</u></p> <p><u>6.03.3.5 Reading comprehension.</u></p>	<p>Which assessments do we use?</p> <p>Universal screeners such as Acadience or DIBELS? CBMs/CBAs? Testlets?</p>

6.04 Students who qualify as students with disabilities under the Individuals with Disabilities Education Act and have an individualized education program (IEP) who demonstrate characteristics of dyslexia may receive dyslexia intervention as a related service as determined by the IEP team.

6.04.1 Dyslexia intervention provided as a related service pursuant to an IEP shall be provided by a dyslexia intervention.

Or? Are there other options, like direct services? If people read this, they may think putting it in the related service section is the state's requirement. Please list other options.

Please add a statement to address the multidisciplinary/committee determines the placement and who provides the intervention (SPED vs dyslexia person). What is happening in some cases is SPED is making the decision without input from the dyslexia coordinator/person and placing all or most of the kids in the general ed/dyslexia groups. This is overwhelming the resources and capacity of non SPED route. Again, it brings up the unfunded mandate conversation. If this is the approach SPED is taking, why can't we use some of their funding or people? These conversations are happening in districts, but we need clearer and more frequent guidance.

Should 6.04.1 read "dyslexia intervention provided as a related service pursuant to an IEP shall be provided by a dyslexia **interventionist.**" Change intervention to interventionist.

<p>78.01 Dyslexia intervention for a student whose dyslexia Level I or Level II screening under Sections 4.00 and 5.0200 of these rules indicates the need for dyslexia intervention services <u>shall comply with the requirements of Section 6.01.2</u> and may include the following instructional approaches, but shall include all services deemed appropriate by the district:</p>	<p>Does level I apply only to K-2 (4.00)? And a level II is required for 3-12 (5.0)? See 5.00 comments</p> <p>Or, can we use a level I to determine if the student “indicates the need for dyslexia intervention?”</p> <p>Because it’s combined, it led me to initially interpret this as I can use a level I to determine the need for dyslexia intervention K-12.</p> <p>I think it’s important to remember, we are not trained to interpret law. It really needs to be clearly laid out for us.</p>
<p>89.02.3 The total number of students identified with dyslexia during the previous school year.</p> <p>89.02.3.1 For purposes of Section 89.02.3, “identified with dyslexia” means students with a formal dyslexia diagnosis and students exhibiting the characteristics of dyslexia through a school-based or outside evaluation.</p>	<p>This has been a huge challenge and source of frustration.</p> <p>If interpreted literally, it means that I only report the number of students that were “identified” in that previous year. It is not a cumulative number based on the way it is worded here and in the law.</p> <p>Districts are being told by different departments within ADE that this number must be a cumulative number of all students identified. Some were not told that . . . so there is a huge miscommunication here. Some are also told that the</p>

answer to this question must be larger than the answer to “how many students were in dyslexia intervention in the previous year.”

This needs to be clarified.

Also, districts have to come up with their own tracking systems in addition to eschool and cognos. This is an extremely complicated task that takes large districts a vast amount of time and effort to complete. Why do we not have a start and end date for dyslexia intervention or structured literacy intervention like EL services does? EL is able to just pull a report that pulls a cumulative number.

This really needs to be addressed if we want accurate numbers.

For 9.02.3.1- does this statement mean that students must have a diagnosis or evaluation (outside, SPED, level II screening) to be identified with dyslexia? Do students in K-2 that haven't had a level II, but are in dyslexia intervention need a level II to be considered identified? This may impact our numbers to report.

<p><b>4412.00 PROFESSIONAL AWARENESS</b></p> <p>4412.01 The Department of Education shall ensure that each teacher receives professional awareness on the following:</p> <p>4412.01.1 The characteristics of dyslexia; and</p> <p>4412.01.2 The evidence-based interventions and accommodations for dyslexia.</p> <p>4412.02 Professional awareness may be provided:</p> <p>4412.02.1 Online through Arkansas IDEAS;</p> <p>4412.02.2 At an education service cooperative; or</p> <p>4412.02.3 Professional development provider approved by the <u>Division of Elementary and Secondary Education</u>.</p>	<p>How frequent? If the frequency or guidelines are addressed in a different set of rules/laws, please reference it here so we know where to look to find the information.</p>
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**Division Response: Comments considered, no changes made. The comment takes a extremely detailed walk through the entire rule. While every comment is not addressed in full, the following address several issues. Dyslexia Therapy is a defined term used in in the governing statutory language. the Department is currently working through the process of setting appropriate cut scores.**

**These decisions are being guided by national benchmarks, expert input, and state-specific impact data. As part of this process, all assessments must go through a validation phase. While normative methods are one way to establish cut scores, they are not the only valid or reliable approach we consider.**

**The thirty days in section 4.00 begins following identification by screener integrated into the statewide student assessment system.**

**Regarding assessments in grades 3-12, the decision to refer for dyslexia screening is one which is left to the educators or parents. The language added in 5.01.1 is to clarify that assessments to be considered but other considerations should also be taken into account.**

**With regard to the comment for section 5.02, screenings are not universal, they are contingent on the triggering language in 5.01. Students in grades 3-12 flagged for screening are to be given the Level II test. 6.01.1 clarifies prior parental consent is not required but the parents may seek an independent review under section 7 of the rule; however, parental consent is required if the student has an IEP.**

**Some of the comments address existing language that is outside the scope of the proposed changes and the division is not prepared to address this existing requirement at this time. Additional information related to this comment will be provided in the Dyslexia Resource Guide.**

**Commenter Name and Organization (if applicable):** Brittney Bair, brittney.bair@nwaesc.org

**Comments:** The 2nd draft has a lot of strengths and positives! Please see the full version

**Comments:**

Initial screener, level 1 screener, and level II screener need to be defined.

Also, screener and diagnostic assessment need to be defined and used more clearly throughout the document.

The resource guide should also be defined and clearly stated if it is meant to be used as rule/law or guidance/suggestions from ADE.

Often unexpected in relation to other cognitive abilities - this is a source of challenge and confusion in our field. Could we get more clarity in how to determine what is unexpected?

As specialists, we also need to look at and be aware of the conversation in the field about updating the definition of dyslexia to include “persistent difficulty.” You can read more about it [here](#).

<p>3.04.03 “Dyslexia” means a specific learning disability that is:</p> <p>3.04.03.1 Neurological in origin;</p> <p>3.04.03.2 Characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language; and</p> <p>3.04.03.3 Often unexpected in relation to other cognitive abilities.</p>	<p>Throughout the document, there is reference to dyslexia intervention. In 3.08, it references dyslexia therapy. Because it was referred to as dyslexia intervention every where else in the document, this makes the reference to dyslexia therapy confusing.</p> <p>Would it be beneficial for clarity to only use “dyslexia therapy” with “dyslexia therapists” and “dyslexia intervention” the rest of the time with “dyslexia interventionists.” In other words, dyslexia therapists provide dyslexia therapy and dyslexia interventionists provide dyslexia intervention.</p>
<p>3.0507 “Dyslexia therapist” means a professional who has completed training and obtained certification in dyslexia therapy from a dyslexia therapy training program defined by the Arkansas Department of Education.</p>	<p>By defining dyslexia therapist as a specialized and certified person, it makes it confusing to refer to dyslexia intervention as “dyslexia therapy.” We are under the impression that dyslexia therapists deliver dyslexia therapy and those without the specialized certification are providing dyslexia intervention.</p>
<p>3.09 <u>“Early signs consistent with characteristics of dyslexia” means the clearest early indicators of dyslexia observed as early as kindergarten including difficulties acquiring phonemic awareness, learning letter/sound correspondences, and learning to decode print using phonemic decoding strategies.</u></p>	<p>Notice how it says “difficulties acquiring.” We are often encouraged by ADE to check the dyslexia intervention box on eschool very early. However, current conversations among experts in the field are calling for an updated definition of dyslexia to include “persistent difficulties.” Meaning, after time in intervention with progress monitoring and</p>

	<p>adjustments being made to instruction, a student may be looked at more closely for “characteristics of dyslexia.” It is important to note that if progress monitoring and adjustments to instruction are not being made, then this is actually a wait to fail model– which is inappropriate. You can read more about the call for an updated definition of dyslexia <a href="#">here</a>.</p> <p>The region has interpreted the “difficulties acquiring” as a “persistent difficulty” even with strong intervention.</p>
<p>3.0715 “Response to Intervention (RTI)” is the practice of:</p> <ul style="list-style-type: none"> <li>3.0715.1 Screening students to identify those needing extra support;</li> <li>3.0715.2 Providing high-quality instruction and appropriate interventions matched to student needs;</li> <li>3.0715.3 Closely monitoring progress to assess both the learning rate and the level of performance of individual students; and</li> <li>3.0715.4 Basing instructional decisions about the intensity and duration of interventions on <u>assessment data and</u> individual student response to intervention.</li> </ul>	<p>This section on RTI solidifies our interpretation of “difficulties acquiring.”</p>

3.17 “Substantial reading deficit” means:

- 3.17.1 A score at the lowest achievement level or benchmark on the screening or progress monitoring when using a high quality, evidence-based screener approved by the Division of Elementary and Secondary Education; or
- 3.17.2 Evidence of minimum skill levels for reading competency in one or more of the areas of phonological awareness, phonics, vocabulary, oral language skills, reading fluency, and reading comprehension documented on consecutive formative assessments or documented in teacher observation data.

On ATLAS we just see risk or potential risk, but we aren’t sure how to rank the level of risk. On DIBELS or Acadience, we are given percentiles and cut scores.

0-10th Percentile = significant risk and the recommendation according to [this document](#) is to put them in a highly intensive intervention. Click on the link, find “Dyslexia within RTI” ebook and download.

11th-20th Percentile = some risk and the recommendation according to the same document is to target instruction, but not necessarily at the highest level of intensity.

3.17.2 includes skills associated with “early signs consistent with characteristics of dyslexia.” So it makes it seem like everyone that flags gets put into the substantial reading deficit bucket.

Our interpretation is that ATLAS identifies a substantial reading deficit.

How will the cut points/scores be calculated and used to identify characteristics of dyslexia?

<p><u>4.04 The school district shall administer the assessment required under Section 4.01:</u></p> <p><u>4.04.1 Not less than thirty (30) days after the first day of the school year.</u></p> <p><u>4.04.2 Repeated if indicated, midyear; and</u></p> <p><u>4.04.3 At the end of the school year.</u></p>	<p>Repeated if indicated- we are unsure what this means. Does it mean a student will be readministered the assessment mid year if they flagged beginning of year?</p> <p>Please clarify in the rules and regs or updated resource guide.</p>
<p><u>4.05 If a student is identified by the assessment required under Section 4.01 as indicating early signs consistent with the characteristics of dyslexia or a substantial reading deficit, and that student is not already receiving dyslexia intervention, that student shall be administered additional diagnostic literacy assessments.</u></p>	<p>Like that it does not require students in dyslexia intervention to be given a level I assessment again.</p>
<p><u>4.05.1 Students in kindergarten, grade one, and grade two, (K-2) shall be administered a Level I dyslexia screening using the testlets within the state assessment system or equivalent assessment approved by DESE.</u></p>	<p>Clear guidance with a list needed here. Above it says “diagnostic literacy assessments.”</p> <p>We are often given a list with a mix of screeners and diagnostics. Sometimes the state literacy coach team creates these diagnostics.</p> <p>Could the resource guide be explicit in providing a list?</p>
<p><u>4.05.2 Students in grade three (3) shall be administered a Level II dyslexia screening.</u></p>	<p>So here, if they flag as being at risk on the BOY ATLAS screener then they shall be administered a Level II dyslexia screening... what if they had a bad testing day and none of our historical data supports that decision?</p>

	<p>What if the student is new to the country and doesn't know English?</p> <p>What if the student already has an IEP for a specific learning disability?</p> <p>What if the student never flagged as struggling or needing intervention before this assessment? Why can't we put them in intervention before assessing?</p> <p>What if they only flagged on vocabulary or something that isn't one of the primary characteristics of dyslexia?</p> <p>What if they were homeschooled until entering 3rd grade and haven't had access to instruction? Why can't we place them in intervention to see how they respond before making a level II testing decision?</p>
<p><u>4.05.3 Students shall be identified as at risk for a substantial reading deficit based on cut-points and indicators approved by the Division of Elementary and Secondary Education.</u></p> <p><u>4.05.4 School personnel shall use the assessment results, along with other relevant information, such as work sampling, language acquisition, disabilities, or impairment to determine if there is a need for dyslexia therapy or early reading interventions.</u></p>	<p>Are these available?</p> <p>We interpreted this to mean we can use additional data points and a multidisciplinary team to determine if there is a need for dyslexia "therapy" or early reading interventions. Our interpretation is that all students who are at risk fall under "substantial reading deficit," but it is up to the multidisciplinary team to determine if the student</p>

	<p>would benefit from “early reading intervention (structured literacy)” <b>or</b> “dyslexia therapy.” Please refer to 3.08 in reference to the terms “dyslexia therapy” and “dyslexia intervention.”</p> <p>One piece of feedback: the term “dyslexia therapy” is too close to “dyslexia therapist.” Most people were thrown off by this term change and thought it was addressing the dyslexia therapist (CALT) delivering dyslexia therapy because the term that has been used to describe the services provided by a dyslexia interventionist has been “dyslexia intervention” throughout this entire document. This is the only time “dyslexia therapy is mentioned.”</p>
<p><u>4.06 If a student is found to require dyslexia intervention based on the dyslexia screening required in Section 4.05, the student shall receive dyslexia intervention by a trained interventionist pursuant to Section 6.00.</u></p> <p><u>4.06.1 Except as provided in Section 4.06.2, the dyslexia intervention shall begin no later than thirty (30) days from the date the student was identified as requiring screening under Section 4.01.</u></p>	<p>In reference to my feedback above: why did the term change to dyslexia intervention when above the term is “dyslexia therapy?”</p> <p>We need a clear statement here. People are interpreting “was identified as requiring screening” at different points in the process.</p> <p>Is it student specific?</p> <p>Does the 30 days start after they flag on the BOY screener or Level I assessments?</p>

	<p>Does the 30 days start as soon as a persistent difficulty in structured literacy intervention is identified?</p> <p>What if the student is identified in May?</p>
<p><u>5.01 A school district shall screen any student in grades three through twelve (3-12) experiencing difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance.</u></p> <p><u>5.01.1 Students may be identified for screening by the results of the statewide student assessment in addition to other considerations.</u></p>	<p>What level of screening is this? Initial or level I?</p> <p>This feels like an all or nothing statement. Many students struggle with spelling, but not reading (word recognition, fluency, reading comprehension). This doesn't align with the definition of dyslexia being a word reading difficulty AND spelling difficulty.</p> <p>If a student has a bad testing day on ATLAS and the school has evidence of grade level performance on reading (word recognition, fluency, reading comprehension) and spelling, does the child need to be level II screened or does 5.01.1 (in addition to other considerations) disqualify the need for a level II?</p> <p>The process of level II screening, analyzing results, communicating with parents/guardians to schedule meetings, and holding meetings can range from 5-15 hours, or longer. If we follow best practice, the only difference between level II screening and a SPED</p>

evaluation is we don't do IQ testing. Some districts don't have a designated person or team to do all this testing and continue to provide intervention. Intervention is suffering. I understand districts should hire more people, but the "unfunded mandate" comments do make sense when we compare to the funding SPED gets. SPED often has us provide dyslexia intervention and some are even requesting dyslexia contacts to do all the testing and are not moving forward with SPED evaluations "because it looks like it might be dyslexia."

If the intention is to catch all kids that need help, we are completely on board and want to do what's best for kids. That is an important mission, so how will the state support districts in meeting this? If we approach this directly and swiftly with all hands on deck, within the next 2 years, I predict the numbers will significantly decrease. But what we absolutely cannot do, is sacrifice time in intervention. We need more resources and more funding to accomplish this.

What about exception statements (limited English proficiency, students already qualifying under specific learning disability in foundational reading skills/ intellectual disability/the unexpected piece of the dyslexia

	<p>definition, students who have been in dyslexia intervention for years, students who have already been level II tested and were not found to qualify for characteristics of dyslexia)?</p>
<p><u>5.02 A screening required under Section 5.01 shall be performed with fidelity using screening measures of:</u></p> <p><u>5.02.1 Oral reading fluency; and</u></p> <p><u>5.02.2 Encoding.</u></p>	<p>What level of screening is this? Initial or level I?</p> <p>Should schools universally administer these assessments to all students?</p> <p>Or do we administer ORF and encoding when a parent/guardian, classroom teacher, or another knowledgeable individual of the student’s academic performance documents the struggle in fluency or spelling?</p> <p>The first option is the mission to catch them all, which we are on board with. We just need it clearly stated.</p>
<p><u>5.03.1 Utilize a screener approved by the Division of Elementary and Secondary Education; and</u></p>	<p>We need a list.</p>
<p><u>5.04 If the results of a screener required under Section 5.01 identify that a student exhibits deficits in fluency or spelling, the school district shall administer a Level II dyslexia screening.</u></p>	<p>See comment on 5.01 above.</p> <p>This language makes it feel like the student must be given a level II screener, which is formal testing, even if the parent/guardian does not give permission. This goes</p>

	<p>against the ethics we have been taught when using this level of testing. Special Education cannot move forward with an evaluation without clear parent permission. Why is dyslexia different? It is a specific learning disability.</p> <p>An option shared during a unit meeting was, create an opt out letter to parents. So, all students that indicate a need will be level II tested unless the parent signs the <b>opt out</b> letter. That doesn't feel clear for parents and it feels like we are trying to get one past them and test their child without their full understanding.</p>
<p><u>5.05 If a student is found to require intervention based on the Level II dyslexia screening the student shall receive dyslexia intervention by a trained interventionist pursuant to Section 6.00.</u></p> <p><u>5.05.1 Except as provided in Section 5.05.2, dyslexia intervention shall begin no later than thirty (30) days from the date the student was identified for screening pursuant to Section 5.01</u></p>	<p>So, if permission is not given to level II test, can the student not go into dyslexia intervention?</p> <p>A lot of the conversation going on in our field right now is discussing that the wealth of data we have paired with intervention history and the student demonstrating a persistent difficulty is enough to place them in dyslexia intervention and even qualify for a 504. So, can students be placed in dyslexia intervention without level II testing? 6.01.1 states that “prior consent of a parent or legal guardian is not required to <b>begin dyslexia intervention.</b>”</p>

	<p>So with those two statements combined, do we need to infer that all students who flag on ORF or spelling shall be given a level II, even if their parent does not give permission?</p>
<p><u>6.01.1 Except as required pursuant to Section 6.04, prior consent of a parent or legal guardian is not required to begin dyslexia intervention.</u></p>	<p>See above</p>
<p><u>6.02 Dyslexia intervention provided pursuant to this rule shall continue until:</u></p> <p><u>6.02.1 The student is performing at expected level or</u></p> <p><u>6.02.2 The dyslexia interventionist, in consultation with a parent or legal guardian, determine:</u></p> <p><u>6.02.2.1 The student has improved his or her word recognition, spelling, and decoding abilities to a degree that the student is able to successfully continue the prescribed course of study for that student; and</u></p>	<p>Does expected level mean grade level?</p>
<p><u>6.02.2.2 Continued dyslexia intervention is unlikely to provide meaningful improvements in the student's ability to read.</u></p>	<p>6.02.2.1 and 6.02.2.2: Do we need to infer that, provided their accommodations, the student will be successful in their course of study?</p> <p>What does meaningful improvements mean? Does it mean they are stuck in their dyslexia</p>

	<p>intervention and haven't made progress? Does it mean they completed their dyslexia intervention program and the case manager/dyslexia interventionist predicts they won't improve anymore?</p> <p>We need an exit criteria- does that fall on the school/district or state?</p>
<p><u>6.03 The progress of a student receiving dyslexia intervention shall be documented within the individual reading plan and a report of this student's progress shall be provided to the parents not less than once per quarter.</u></p>	<p>IRPs don't extend past the elementary grades. Where do they get the template? Will this IRP be on Cambium/ATLAS for the upper grades?</p> <p>Is it just a paper copy? What if districts/schools have a system for historically tracking progress across the dyslexia intervention? Do they replace it with an IRP?</p>
<p><u>6.03.1 The progress report shall include the student's progress toward completing the dyslexia program;</u></p> <p><u>6.03.2 The progress report shall include data points for measuring mastery of individual skills addressed in completed lessons of the dyslexia program; and</u></p>	<p>Which skills? In 3.03.3 it lists "data points for assessing progress toward grade level," but 6.03.2 doesn't list specific skills to monitor for mastery.</p>

<p><u>6.03.3 The progress report shall include data points for assessing progress toward grade level including but not limited to:</u></p> <p><u>6.03.3.1 Decoding.</u></p> <p><u>6.03.3.2 Word recognition.</u></p> <p><u>6.03.3.3 Spelling.</u></p> <p><u>6.03.3.4 Fluency, and</u></p> <p><u>6.03.3.5 Reading comprehension.</u></p>	<p>Which assessments do we use?</p> <p>Universal screeners such as Acadience or DIBELS? CBMs/CBAs? Testlets?</p>
<p><u>6.04 Students who qualify as students with disabilities under the Individuals with Disabilities Education Act and have an individualized education program (IEP) who demonstrate characteristics of dyslexia may receive dyslexia intervention as a related service as determined by the IEP team.</u></p> <p><u>6.04.1 Dyslexia intervention provided as a related service pursuant to an IEP shall be provided by a dyslexia intervention.</u></p>	<p>Or? Are there other options, like direct services? If people read this, they may think putting it in the related service section is the state's requirement. Please list other options.</p> <p>Please add a statement to address the multidisciplinary/committee determines the placement and who provides the intervention (SPED vs dyslexia person). What is happening in some cases is SPED is making the decision without input from the dyslexia coordinator/person and placing all or most of the kids in the general ed/dyslexia groups. This is overwhelming the resources and capacity of non SPED route. Again, it brings up the unfunded mandate conversation. If this is the approach SPED is taking, why can't we use some of their funding or people? These conversations are happening in districts, but we need</p>

	<p>clearer and more frequent guidance.</p> <p>Should 6.04.1 read “dyslexia intervention provided as a related service pursuant to an IEP shall be provided by a dyslexia <b>interventionist.</b>” Change intervention to interventionist.</p>
<p>78.01 Dyslexia intervention for a student whose dyslexia Level I or Level II screening under Sections 4.00 and 5.0200 of these rules indicates the need for dyslexia intervention services <u>shall comply with the requirements of Section 6.01.2</u> and may include the following instructional approaches, but shall include all services deemed appropriate by the district:</p>	<p>Does level I apply only to K-2 (4.00)? And a level II is required for 3-12 (5.0)? See 5.00 comments</p> <p>Or, can we use a level I to determine if the student “indicates the need for dyslexia intervention?”</p> <p>Because it’s combined, it led me to initially interpret this as I can use a level I to determine the need for dyslexia intervention K-12.</p> <p>I think it’s important to remember, we are not trained to interpret law. It really needs to be clearly laid out for us.</p>
<p>89.02.3 The total number of students identified with dyslexia during the previous school year.</p> <p>89.02.3.1 For purposes of Section 89.02.3, “identified with dyslexia” means students with a formal dyslexia diagnosis and students exhibiting the characteristics of dyslexia through a school-based or outside evaluation.</p>	<p>This has been a huge challenge and source of frustration.</p> <p>If interpreted literally, it means that I only report the number of students that were “identified” in that previous year. It is not a cumulative number based on the</p>

way it is worded here and in the law.

Districts are being told by different departments within ADE that this number must be a cumulative number of all students identified. Some were not told that . . . so there is a huge miscommunication here. Some are also told that the answer to this question must be larger than the answer to “how many students were in dyslexia intervention in the previous year.”

This needs to be clarified.

Also, districts have to come up with their own tracking systems in addition to eschool and cognos. This is an extremely complicated task that takes large districts a vast amount of time and effort to complete. Why do we not have a start and end date for dyslexia intervention or structured literacy intervention like EL services does? EL is able to just pull a report that pulls a cumulative number.

This really needs to be addressed if we want accurate numbers.

For 9.02.3.1- does this statement mean that students must have a diagnosis or evaluation (outside, SPED, level II screening) to be

	<p>identified with dyslexia? Do students in K-2 that haven't had a level II, but are in dyslexia intervention need a level II to be considered identified? This may impact our numbers to report.</p>
<p><b>4412.00 PROFESSIONAL AWARENESS</b></p> <p>4412.01 The Department of Education shall ensure that each teacher receives professional awareness on the following:</p> <p>4412.01.1 The characteristics of dyslexia; and</p> <p>4412.01.2 The evidence-based interventions and accommodations for dyslexia.</p> <p>4412.02 Professional awareness may be provided:</p> <p>4412.02.1 Online through Arkansas IDEAS;</p> <p>4412.02.2 At an education service cooperative; or</p> <p>4412.02.3 Professional development provider approved by the <u>Division of Elementary and Secondary Education.</u></p>	<p>How frequent? If the frequency or guidelines are addressed in a different set of rules/laws, please reference it here so we know where to look to find the information.</p>

**Division Response: Comments considered, no changes made. The comment takes a extremely detailed walk through the entire rule. While every comment is not addressed in full, the following address several issues. Dyslexia Therapy is a defined term used in in the governing statutory language. the Department is currently working through the process of setting appropriate cut scores.**

**These decisions are being guided by national benchmarks, expert input, and state-specific impact data. As part of this process, all assessments must go through a validation phase. While normative methods are one way to establish cut scores, they are not the only valid or reliable approach we consider.**

**The thirty days in section 4.00 begins following identification by screener integrated into the statewide student assessment system.**

**Regarding assessments in grades 3-12, the decision to refer for dyslexia screening is one which is left to the educators or parents. The language added in 5.01.1 is to clarify that assessments to be considered but other considerations should also be taken into account.**

**With regard to the comment for section 5.02, screenings are not universal, they are contingent on the triggering language in 5.01. Students in grades 3-12 flagged for screening are to be given the Level II test. 6.01.1 clarifies prior parental consent is not required but**

**the parents may seek an independent review under section 7 of the rule; however, parental consent is required if the student has an IEP.**

**Some of the comments address existing language that is outside the scope of the proposed changes and the division is not prepared to address this existing requirement at this time. Additional information related to this comment will be provided in the Dyslexia Resource Guide.**

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