

1 State of Arkansas *As Engrossed: S3/26/13 S3/28/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

SENATE BILL 33

4

5 By: Senators Elliott, J. Key, Caldwell, A. Clark, Rapert, K. Ingram, L. Chesterfield, U. Lindsey, D.

6 Johnson, R. Thompson, Maloch, Teague, B. Pierce, Hester, E. Cheatham

7 By: Representatives Catlett, Broadaway, Lenderman, H. Wilkins, C. Armstrong, E. Armstrong, McElroy,

8 Love, Steel, Wren, Vines, Hodges, Murdock, Fielding

9

## For An Act To Be Entitled

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

14

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### Subtitle

17 TO ENSURE THAT CHILDREN WITH DYSLEXIA  
18 HAVE THEIR NEEDS MET BY THE PUBLIC SCHOOL  
19 SYSTEM.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 *SECTION 1. Arkansas Code Title 6, Chapter 40, is amended to add an*  
25 *additional subchapter to read as follows:*

26

27 *Subchapter 1 – Dyslexia and Related Disorders*

28

29 *6-40-101. Findings.*

30 *The General Assembly finds that:*

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

33 *(2) Most children identified as having dyslexia and related*  
34 *disorders can be successfully treated; and*

35 *(3) The cost of screening and treating dyslexia or a related*  
36 *disorder early is significantly less than the cost of intensive remediation*



1 in the later school years for a child with dyslexia or a related disorder.

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3 6-40-102. Definitions.

4 As used in this subchapter:

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

6 (A) Neurological in origin;

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

10 (C) Often unexpected in relation to other cognitive  
11 abilities;

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

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

17 (A) Delivered by a dyslexia therapist;

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

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

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

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

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

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

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

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33 6-40-103. Required screening and intervention.

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

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

3           (A) Phonological and phonemic awareness;

4           (B) Sound symbol recognition;

5           (C) Alphabet knowledge;

6           (D) Decoding skills;

7           (E) Rapid naming skills; and

8           (F) Encoding skills.

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

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

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

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

16           (i) Phonological and phonemic awareness;

17           (ii) Sound-symbol recognition;

18           (iii) Alphabet knowledge;

19           (iv) Decoding skills;

20           (v) Rapid naming skills; and

21           (vi) Encoding skills; and

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

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

26           (ii) Is exempt from screening.

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

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

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

34           (B) If it is determined that the student has functional  
35 difficulties in the academic environment due to dyslexia, the necessary  
36 accommodations or equipment for the student shall be provided under Section

1 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the  
2 Americans with Disabilities Act, 42 U.S.C. §§ 12131-12165, as they existed on  
3 February 1, 2013.

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

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

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11 6-40-104. Additional dyslexia evaluation and services.

12 (a) If a student's performance on a dyslexia evaluation under § 6-40-  
13 103(c)(3) indicates a need for dyslexia therapy services, the student's  
14 parent or legal guardian shall be:

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

16 (2) Provided with information and resource material including  
17 without limitation:

18 (A) The common indicators of dyslexia;

19 (B) Appropriate classroom interventions and accommodations  
20 for students with dyslexia; and

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

23 (i) Licensed psychologist;

24 (ii) Licensed psychometrist;

25 (iii) Licensed speech-language pathologist; or

26 (iv) Certified dyslexia training specialist.

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

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

35  
36 6-40-105. Instructional approaches.

1 (a) Dyslexia therapy for a student whose dyslexia evaluation under §  
2 6-14-103(c)(3) indicates the need for dyslexia therapy services shall be  
3 provided with fidelity and include the following instructional approaches:

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

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

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

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

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

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23 6-40-106. Reporting by school district.

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

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27 6-40-107. Dyslexia specialist.

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

35 (b) The dyslexia specialist shall:

36 (1) Be highly trained in dyslexia and related disorders,

1 including best-practice interventions and treatment models;

2 (2) Be responsible for the accountability of screening results  
3 and the implementation of professional awareness required under § 6-40-108;  
4 and

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

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

11 (d) No later than the 2015-2016 academic year, a school district shall  
12 employ the minimum number of dyslexia interventionists as defined and  
13 recommended in the Dyslexia Resource Guide to perform interventions for  
14 students.

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16 6-40-108. Dyslexia professional awareness.

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

19 (1) The indicators of dyslexia; and

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

21 (b) Professional awareness may be provided:

22 (1) Online;

23 (2) At an education service cooperatives; or

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

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26 6-40-109. Dyslexia and related disorder education in teacher  
27 preparation programs.

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

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33 6-40-110. Rules – Dyslexia Resource Guide.

34 (a) The Department of Education shall adopt rules to implement this  
35 subchapter.

36 (b) The department shall maintain and update the Dyslexia Resource

1 Guide that is used as a guide for school districts, public schools, and  
2 teachers.

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4 SECTION 2. DO NOT CODIFY.

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

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

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/s/Elliott

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