

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 788

5 By: Senator Elliott
6

For An Act To Be Entitled

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

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

25 (2) Most children identified as having ~~markers~~ characteristics of
26 dyslexia and related disorders can be treated successfully; and
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28 SECTION 2. Arkansas Code §§ 6-41-602 – 6-41-604 are amended to read as
29 follows:

30 6-41-602. Definitions.

31 As used in this subchapter:

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

33 (A) Neurological in origin;

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



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

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

- 5 (i) Dyslexia therapist;
- 6 (ii) Dyslexia specialist;
- 7 (iii) Reading interventionist;
- 8 (iv) Certified teacher; or
- 9 (v) Tutor or paraprofessional working under the

10 supervision of a certified teacher;

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

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

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

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

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

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

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

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

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

31 (4)(A) “Dyslexia specialist” means a professional at each
32 education service cooperative or school district who has expertise and is
33 working towards an endorsement or certification in providing training for:

- 34 (i) Phonological and phonemic awareness;
- 35 (ii) Sound and symbol relationships;
- 36 (iii) Alphabet knowledge;

- (iv) Decoding skills;
- (v) Rapid naming skills; and
- (vi) Encoding skills.

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

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

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

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

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

~~(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.~~

6-41-603. Required screening and intervention.

(a)(1) A school district shall screen each student in kindergarten through grade two (K-2) and others required by the Department of Education rule using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or an equivalent screener.

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 or an equivalent screener:

- 11 (1) In kindergarten through grade two (K-2);
- 12 (2) When a student in kindergarten through grade two (K-2)

13 transfers to a new school and has not been screened;

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

- 16 (A) Phonological and phonemic awareness;
- 17 (B) Sound-symbol recognition;
- 18 (C) Alphabet knowledge;
- 19 (D) Decoding skills;
- 20 (E) Rapid naming skills; and
- 21 (F) Encoding skills; and

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

- 25 (A) Had the screening or a similar screening; or
- 26 (B) Is exempt from screening.

27 (c)(1) If the ~~DIBELS~~ screening indicates that a student has ~~markers for~~
28 characteristics of dyslexia and needs intervention, the Response to
29 Intervention (RTI) process shall be used to address the needs of the student.

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

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

- 36 (B) If it is determined that the student has functional

1 difficulties in the academic environment due to characteristics of dyslexia,
2 the necessary accommodations or equipment for the student shall be provided
3 under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and
4 Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12165, as
5 they existed on February 1, 2013, if qualified under the applicable federal
6 law.

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

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

13
14 6-41-604. ~~Additional~~ Level II dyslexia evaluation screening and
15 services.

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

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

21 (2) Provided with information and resource material, including
22 without limitation:

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

24 (B) Appropriate classroom interventions and accommodations
25 for students with dyslexia; and

26 (C) The right of the parent or legal guardian to have the
27 student receive ~~an independent~~ a comprehensive dyslexia evaluation by a:

28 (i) Licensed psychological examiner;

29 (ii) School psychology specialist;

30 (iii) Licensed speech-language pathologist; or

31 (iv) Certified dyslexia ~~training~~ testing specialist.

32 ~~(b) If a student's performance on a dyslexia evaluation under § 6-41-~~
33 ~~603(e)(3) indicates the need for dyslexia therapy intervention services, the~~
34 ~~school district may perform a comprehensive dyslexia evaluation in addition~~
35 ~~to the required Response to Intervention (RTI) process under § 6-41-~~
36 ~~603(e)(2).~~

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

4 (A) Select an individual qualified under subdivision
 5 (a)(2)(C) of this section to perform the comprehensive dyslexia evaluation;
 6 and

7 (B) Cover the cost of the comprehensive dyslexia
 8 evaluation.

9 (2) the A school district shall consider the diagnosis ~~from the~~
 10 ~~independent evaluation~~ and allow provide the student ~~to receive direct~~
 11 ~~intervention~~ with services determined to be appropriate by the school
 12 district from a dyslexia therapist interventionist at the school district.

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

16 (a) Dyslexia ~~therapy~~ intervention for a student whose dyslexia
 17 evaluation under § 6-41-603(c)(3) indicates the need for dyslexia ~~therapy~~
 18 intervention services ~~shall be provided with fidelity and~~ may include the
 19 following instructional approaches:

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

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 25 SECTION 4. Arkansas Code § 6-41-607 is amended to read as follows:

26 6-41-607. Dyslexia ~~specialist~~ therapist.

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

34 (b) The dyslexia ~~specialist~~ therapist shall:

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

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

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

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

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

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

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

17 ~~(2) Using other dyslexia training programs approved by the
18 department.~~

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

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

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

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

27
28 SECTION 6. Arkansas Code § 6-41-609 is amended to read as follows:

29 6-41-609. Dyslexia and related disorder education in teacher
30 preparation programs.

31 ~~The~~ No later than the 2015-2016 school year, the Department of
32 Education shall collaborate with the Department of Higher Education to ensure
33 that all teacher education programs offered at state-supported institutions
34 of higher education ~~include information on the identification of students at
35 risk for dyslexia and related disorders~~ provide dyslexia professional
36 awareness of the:

1 (1) Characteristics of dyslexia; and
2 (2) Evidence-based interventions and accommodations for
3 dyslexia.
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5 SECTION 7. Arkansas Code § 6-41-610(b), concerning the dyslexia
6 resource guide, is amended to read as follows:

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

11 (2)(A) The committee shall include one (1) representative from
12 the following organizations appointed by the Commissioner of Education:

13 (i) The Arkansas Association of Education
14 Administrators;

15 (ii) The Arkansas Department of Education, Learning
16 Services;

17 (iii) The Arkansas Department of Higher Education

18 (iv) The Arkansas Education Association;

19 (v) The Arkansas School Boards Association;

20 (vi) The Arkansas State Teachers Association; and

21 (vii) An Education Service Cooperative
22 administrator; and

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