

Stricken language would be deleted from and underlined language would be added to present law.
Act 1294 of the Regular Session

State of Arkansas *As Engrossed: S3/26/13 S3/28/13 H4/5/13*
89th General Assembly
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A Bill

SENATE BILL 33

By: Senators Elliott, J. Key, Caldwell, A. Clark, Rapert, K. Ingram, L. Chesterfield, U. Lindsey, D. Johnson, R. Thompson, Maloch, Teague, B. Pierce, Hester, E. Cheatham, Bookout

By: Representatives Catlett, Broadaway, Lenderman, H. Wilkins, C. Armstrong, E. Armstrong, McElroy, Love, Steel, Wren, Vines, Hodges, Murdock, Fielding

For An Act To Be Entitled

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

Subtitle

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

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

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

Subchapter 1 – Dyslexia and Related Disorders

6-40-101. Findings.

The General Assembly finds that:

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

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

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



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

6-40-102. Definitions.

As used in this subchapter:

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

(A) Neurological in origin;

(B) 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

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

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

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

(A) Delivered by a dyslexia therapist;

(B) Systematic, multi-sensory, 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.

6-40-103. 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).

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

- (A) Phonological and phonemic awareness;
- (B) Sound symbol recognition;
- (C) Alphabet knowledge;
- (D) Decoding skills;
- (E) Rapid naming skills; and
- (F) Encoding skills.

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

(A) In Kindergarten through grade two (K-2);
(B) When a student in Kindergarten through grade two (K-2) transfers to a new school and has not been screened;

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

- (i) Phonological and phonemic awareness;
- (ii) Sound-symbol recognition;
- (iii) Alphabet knowledge;
- (iv) Decoding skills;
- (v) Rapid naming skills; and
- (vi) Encoding skills; and

(D) When a student from another state enrolls for the first time in Arkansas in Kindergarten through grade two (K-2) unless the student presents documentation that the student:

- (i) Had the screening or a similar screening; or
- (ii) Is exempt from screening.

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

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

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

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

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

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

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

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

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

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

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

(A) The common indicators of dyslexia;

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

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

(i) Licensed psychological examiner;

(ii) School psychology specialist;

(iii) Licensed speech-language pathologist; or

(iv) Certified dyslexia training specialist.

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

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

6-40-105. Instructional approaches.

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

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

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

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

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

(b) 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 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.

6-40-106. Reporting by school district.

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

6-40-107. Dyslexia specialist.

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

(b) The dyslexia specialist shall:

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

including best-practice interventions and treatment models;

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

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

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

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

(d) No later than the 2015-2016 academic year, a school district shall have individuals to serve as dyslexia interventionists as defined in the Dyslexia Resource Guide who are trained as dyslexia interventionists:

(1) By the department; or

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

6-40-108. Dyslexia professional awareness.

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

(1) The indicators of dyslexia; and

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

(b) Professional awareness may be provided:

(1) Online;

(2) At an education service cooperatives; or

(3) At another venue approved by the department.

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

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

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

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

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

SECTION 2. DO NOT CODIFY.

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

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

/s/Elliott

APPROVED: 04/16/2013