

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
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As Engrossed: S3/17/15
A Bill

SENATE BILL 788

By: Senator Elliott

For An Act To Be Entitled

AND ACT TO MODIFY THE REQUIREMENTS CONCERNING
SCREENING FOR DYSLEXIA; TO CLARIFY THE REQUIREMENTS
FOR SCHOOL DISTRICTS TO SCREEN STUDENTS FOR DYSLEXIA;
AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE REQUIREMENTS CONCERNING
SCREENING FOR DYSLEXIA; AND TO CLARIFY
THE REQUIREMENTS FOR SCHOOL DISTRICTS TO
SCREEN STUDENTS FOR DYSLEXIA.

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

SECTION 1. Arkansas Code § 6-41-601(2), concerning findings, is amended to read as follows:

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

SECTION 2. Arkansas Code §§ 6-41-602 – 6-41-604 are amended to read as follows:

6-41-602. 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 interventionist” means a school district or public school employee trained in a dyslexia program, such as a:

(i) Dyslexia therapist;

(ii) Dyslexia specialist;

(iii) Reading interventionist;

(iv) Certified teacher; or

(v) Tutor or paraprofessional working under the supervision of a certified teacher;

(3) “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.

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

- (i) Phonological and phonemic awareness;
- (ii) Sound and symbol relationships;
- (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 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.

(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.*

(3)(A) If the screener under subdivision (a)(1) of this section shows that a student is at risk, or at some risk then a level I dyslexia screener shall be administered.

(B) The level one dyslexia screening of a student shall be performed with fidelity and include the components listed under subdivision (a)(2) of this section.

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

- (1) In kindergarten through grade two (K-2);
- (2) When a student in kindergarten through grade two (K-2) transfers to a new school and has not been screened;
- (3) When a student in grade three (3) or higher has difficulty, as noted by a classroom teacher, in:

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

(4) 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:

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

(c)(1) If the ~~DIBELS~~ initial, level I, or level II dyslexia screening

indicates that a student has ~~markers for~~ characteristics of dyslexia ~~and needs intervention~~, the Response to Intervention (RTI) process shall be used to address the needs of the student.

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

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

(B) If it is determined that the student has functional difficulties in the academic environment due to characteristics of 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, if qualified under the applicable federal law.

~~(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.~~

6-41-604. ~~Additional~~ Level II dyslexia evaluation screening and services - Parental notification.

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

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

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

(A) The ~~common indicators~~ characteristics 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, comprehensive dyslexia evaluation by a:

- (i) Licensed psychological examiner;
- (ii) School psychology specialist;
- (iii) Licensed speech-language pathologist; ~~or~~
- (iv) Certified dyslexia training testing

specialist; or

(v) Dyslexia therapist.

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

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

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

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

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

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

(a) Dyslexia ~~therapy~~ intervention for a student whose dyslexia ~~evaluation level I or level II screening~~ under § 6-41-603(c)(3) indicates the need for dyslexia ~~therapy~~ intervention services ~~shall be provided with fidelity and may~~ 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;

SECTION 4. Arkansas Code § 6-41-607 is amended to read as follows:
6-41-607. 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 for dyslexia;
- (2) Be responsible for the accountability of screening results and the implementation of professional awareness required under § 6-41-608; 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)(c) 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 Resource Guide for Specific Learning Disabilities (SLD)/Dyslexia who are trained as dyslexia interventionists:~~

- ~~(1) By the department; or~~
- ~~(2) Using other dyslexia training programs approved by the department.~~

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

(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~~ characteristics of dyslexia; and

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

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

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

~~The~~ No later than the 2015-2016 school year, 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~~ provide dyslexia professional awareness of the:

(1) Characteristics of dyslexia; and

(2) Evidence-based interventions and accommodations for dyslexia.

SECTION 7. Arkansas Code § 6-41-610(b), concerning the dyslexia resource guide, is amended to read as follows:

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

(2)(A) The committee shall include one (1) representative who has experience working in the field of dyslexia intervention from the following organizations appointed by the Commissioner of Education:

(i) The Arkansas Association of Education Administrators;

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

(iii) The Arkansas Department of Higher Education

(iv) The Arkansas Education Association;

(v) The Arkansas School Boards Association;

(vi) The Arkansas School Psychology Association, with at least three (3) years of experience in testing for dyslexia; and

(vii) An Education Service Cooperative administrator; and

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

/s/Elliott