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

Act 1268 of the Regular Session

State of Arkansas

90th General Assembly

Regular Session, 2015

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) 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 an initial screener, level I screening, or level II dyslexia evaluation screening under § 6-41-603(c)(3) indicates 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;

(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).

(c)(b)(1) If a parent or legal guardian chooses to have an independent 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;
3. Serve as the primary source of information and support for school districts addressing the needs of students with dyslexia and related disorders.

(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.

1. 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.

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

APPROVED: 04/08/2015
The Science of Reading
Five Essential Elements of Effective Reading Instruction

**WHAT**

- **Phonological Awareness**
  - Phonological awareness is the ability to notice the sound structure of spoken words.
  - Basic phonological awareness skills include phoneme blending and segmentation and are generally mastered by most students by the end of the first grade.
  - Advanced phonological awareness skills involve manipulating phonemes which include deleting, substituting, or reversing phonemes within words.

- **Phonics**
  - Phonics is a system for approaching reading that focuses on the relationship between letters and sounds.
  - The teaching has to move from letter/sound correspondences to graphemes, syllables and morphemes.

- **Fluency**
  - Fluency is the ability to read a text quickly, accurately, and with proper expression.
  - Orthographic mapping is the ability to quickly and efficiently add words to your sight vocabulary.
  - If a student is good at orthographic mapping, reading practice is helpful to increase fluency.

- **Vocabulary**
  - Vocabulary is the knowledge of words and word meanings.
  - If a student is not good at orthographic mapping, reading practice does not help to increase fluency.

**WHY**

- Phonological awareness difficulties represent the most common source of word-level reading difficulties.
- Phonological awareness is essential for skilled reading.
- Phonemic awareness is needed for efficient sight-word learning.
- Early, explicit, and systematic instruction in phonics, along with direct instruction in phonological awareness, can prevent and also remediate reading difficulties.
- The combination of explicit phonics and phonological training for all students in kindergarten and first grade provides far greater results in word-level reading skills than any other teaching practice that has been studied.

**How**

To meet the goal of helping our students make the maximum possible academic gains in the 5 essential elements of effective reading instruction, students need instruction that is both systematic and explicit as well as direct, engaging, and success oriented. Systematic means that the teacher has a specific scope and sequence for introducing each skill. Explicit means that the teacher provides clear and precise instruction.

**Phonological awareness, phonics, fluency, and vocabulary all lead to COMPREHENSION.**

Reading aloud to children builds the foundation of literacy learning. Listening comprehension comes before reading comprehension.