

# HOUSE BILL REPORT

## E2SSB 6162

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### As Reported by House Committee On: Education

**Title:** An act relating to defining dyslexia as a specific learning disability and requiring early screening for dyslexia.

**Brief Description:** Defining dyslexia as a specific learning disability and requiring early screening for dyslexia.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Zeiger, Wellman, Palumbo and Mullet).

#### **Brief History:**

##### **Committee Activity:**

Education: 2/19/18, 2/22/18 [DPA].

#### **Brief Summary of Engrossed Second Substitute Bill (As Amended by Committee)**

- Requires school districts and charter schools to screen students in early grades for dyslexia, and provide interventions if necessary, beginning in the 2021-22 school year.
- Directs the Superintendent of Public Instruction to convene a dyslexia advisory council to, among other things, identify screening tools and develop best practices for implementing the required dyslexia screenings and interventions.
- Includes provisions defining dyslexia, providing for reporting and use of data, and establishing rulemaking authority.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 18 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Megan Wargacki (786-7194).

## **Background:**

### Dyslexia Defined.

The Individuals with Disabilities Education Act (IDEA) and its implementing regulations, list 13 conditions that can make a student eligible for special education. One of the conditions is a specific learning disability (SLD), which is a disorder in one or more of the basic psychological processes involved in understanding or in using language that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. Dyslexia is listed as an SLD, but the IDEA does not define dyslexia.

The state definition of SLD under the rules of the Office of the Superintendent of Public Instruction (OSPI) mirrors the federal definition. Neither state statute nor the OSPI rules define dyslexia. However, the OSPI uses the following definition of dyslexia adopted by the International Dyslexia Association and the National Institute of Child Health and Human Development: "Dyslexia is a SLD that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge."

### Requirements for Disabilities Screening.

The IDEA requires that all children with disabilities residing in the state who are in need of special education and related services are identified, located, and evaluated. The IDEA allows, but does not require, funds to be used for screening or other procedures for early identification. State laws and the OSPI rules also do not require screening of students for disabilities.

### Multi-Tiered Systems of Support.

The Washington Multi-tiered System of Supports (MTSS) is an action framework that offers different levels of academic and nonacademic services and supports based on individual student needs. The key components of the framework include transformational leadership, collaborative staff inquiry, a tiered student support system that integrates supports for behavior, achievement, and social emotional needs; and evidence-based processes that monitor and connect staff and students to a system of supports. In MTSS, initial tiers of support, such as social emotional skills, are provided to all students. Students identified as needing supplemental instruction and supports, such as reading interventions, are provided with those supports. A small number of students identified as needing more intensive supports, such as those provided through community partnerships or specialized programs, are provided with those supports.

### Learning Assistance Program.

The Learning Assistance Program (LAP) provides supplemental instruction and services to assist students who are not meeting academic standards and to reduce disruptive behaviors in the classroom. School districts implementing a LAP must focus first on addressing the needs

of students in grades kindergarten through 4 who are deficient in reading or reading readiness skills to improve reading literacy. The state allocation for the LAP is based on the percentage of students enrolled in the school district who are eligible for free or reduced-price meals (FRPMs) in the prior school year, but students do not have to be eligible for FRPMs to be served in the LAP.

#### Annual Assessment Inventory.

In the 2016 and the 2017 state Operating Budgets, the OSPI was required to collect data from districts about time students spend taking state- and district-required assessments. As directed, the OSPI summarized this data and reported it to the Legislature in 2016, with an update in 2017.

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### **Summary of Amended Bill:**

#### Dyslexia Defined.

Dyslexia is a SLD that is neurobiological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities and is not due to ineffective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

#### Dyslexia Advisory Council.

The Superintendent of Public Instruction (Superintendent) must convene a dyslexia advisory council (Council) to advise the Superintendent on matters relating to dyslexia in an academic setting. The Council must include interested stakeholders, including, but not limited to, literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia. Members of the Council must serve without compensation. Provisions establishing the Council expire on August 1, 2023.

#### Data Reporting and Use.

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, school districts that screen students for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each district must aggregate the school reports and submit the aggregated report to the OSPI. The OSPI and the Council must use this data when developing best practice recommendations.

#### Dyslexia Screening Tools.

By June 1, 2019, the Council must identify and describe screening tools that meet developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development, and report this information to the Superintendent.

By September 1, 2019, the Superintendent, after considering recommendations from the Council, must identify screening tools that, at a minimum, meet the following best practices:

- satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development; and
- identify indicators and areas of weakness that are highly predictive of future reading difficulty, including phonological awareness, phonemic awareness, rapid naming skills, letter sound knowledge, and family history of difficulty with reading and language acquisition.

Beginning September 1, 2019, the Superintendent must maintain on the agency's website the list of identified dyslexia screening tools and must include links to the tools, when available. The Superintendent must review and update the list of screening tools as appropriate.

#### Best Practice Recommendations and Sample Educational Materials.

By June 1, 2020, the Council must develop recommendations and report to the Superintendent regarding:

- best practices for district implementation of required dyslexia screenings, including trainings for district staff conducting the screenings;
- best practices for using MTSS to provide interventions, including trainings for district staff in instructional methods specifically targeting students' areas of weakness;
- sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and
- best practices to address the needs of students above grade 2 who show indications of, or areas of weakness associated with, dyslexia.

By June 1, 2021, the Superintendent must review the Council's recommendations and make available to school districts best practices and sample educational information.

By September 1, 2022, the Council must review district implementation of dyslexia screenings and their use of MTSS to provide interventions and report to the Superintendent with updates on its recommendations for the best practices and sample educational information described above. By December 1, 2022, the Superintendent must review the Council's updated report and revise the best practices and sample educational information made available to school districts.

#### District Requirements.

Beginning in the 2021-22 school year, each district must use MTSS to provide interventions to students in kindergarten through second grade (K-2) who display indications of, or areas of weakness associated with, dyslexia, as identified using dyslexia screenings. The purpose of the dyslexia screenings is to provide school districts with the opportunity to intervene before a student's performance falls significantly below grade level.

Districts must use dyslexia screening tools that exemplify best practices. Districts may use the screening tools and resources identified by the Superintendent.

If a student shows indications of below-grade-level literacy development or indications of, or areas of weakness associated with, dyslexia, the district must provide interventions using evidence-based MTSS, consistent with the recommendations of the Superintendent, and as follows:

- the interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness;
- whenever possible, a district must begin by providing student supports in the general education classroom;
- if dyslexia screenings indicate that, after receiving the initial tiers of student support, a student requires interventions, the district may provide the interventions in either the general education classroom or a LAP setting; and
- if after receiving interventions, further dyslexia screenings indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the district must recommend to the student's parents and family that the student be assessed for dyslexia or a SLD.

For students who show indications of, or areas of weakness associated with, dyslexia, districts must notify the students' parents and families of the identified indicators and areas of weakness, as well as the plan for using the MTSS to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the Superintendent with recommendations from the Council. Districts must update the students' parents and families of the students' progress no less than once every eight weeks.

School districts may use the LAP allocations for the purposes of meeting these requirements. The LAP allocations may also be used for staff trainings necessary to implement these requirements.

The school district requirements also apply to charter schools.

#### District Implementation Report.

By November 1, 2022, the Superintendent must report to the Legislature with the following information from the 2021-22 school year:

- the number of students: (1) screened for dyslexia; (2) with indications of, or areas of weakness associated with, dyslexia; and (3) provided interventions; and
- descriptions from school districts of the types of interventions used and rates of student progress, when available.

#### Rules.

The Superintendent may adopt rules to implement the requirements described above that include, but are not limited to: a timeline for school districts and charter schools to implement the required dyslexia screenings; the frequency of conducting dyslexia screenings; best practices for identifying dyslexia screening tools; training for school district staff conducting dyslexia screenings; and the members and scope of work for the Council.

#### **Amended Bill Compared to Engrossed Second Substitute Bill:**

The amendment makes numerous changes to the underlying bill, including:

- revising the definition of dyslexia;
- delaying by one year, to the 2021-22 school year, district and charter school implementation of dyslexia screenings for K-2 students and interventions for those who display indications of, or areas of weakness associated with, dyslexia;
- requiring districts and charter schools to provide these interventions using MTSS that meet certain requirements;
- requiring districts and charter schools to provide educational materials to parents and families of students who display indications of, or areas of weakness associated with, dyslexia, and updates of student progress no less than once every eight weeks;
- specifying that the screening tools used by districts and identified by the Superintendent must meet certain best practices;
- requiring that the list of screening tools identified by the Superintendent must be updated as appropriate;
- expiring provisions establishing the Council on August 1, 2023 and removing provisions specifying the number of annual meetings and limiting members' term of service;
- expanding the content of the Council's report, which must be submitted to the Superintendent rather than the Legislature, to include best practices for implementing MTSS, sample educational materials, and best practices for meeting the needs of students above grade 2;
- directing the Superintendent to review the Council's recommendations and make its own recommendations available to school districts by June 1, 2021 (before district implementation is required);
- requiring the Council and the Superintendent to update their recommendations after reviewing the first year of district implementation of dyslexia screenings and interventions;
- directing the Superintendent to, by November 1, 2022, report certain information from the first year of district implementation of dyslexia screenings and interventions, rather requiring the Council to report this information annually;
- adding that the LAP allocations may be used for staff trainings to implement the dyslexia screenings and to provide interventions; and
- making grammar, structure, and other nonsubstantive changes, for example, using consistent terms when describing students who require interventions, moving district requirements from the chapter on Special Education to the School District chapter, and deleting a redundant provision allowing the LAP allocations to cover the costs of required dyslexia screenings.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Over a decade ago, the Legislature increased state efforts to respond to dyslexia. The funding for these efforts faded during the recession. The bill defines dyslexia as a SLD, requires screenings beginning in the 2020-21 school year, and reestablishes the Council at the OSPI. The Council must make recommendations on how to implement the dyslexia screenings. In the future, the Legislature will need to address other issues, including professional development.

Students who are not able to read when their peers can read fluently may think that they will never be able to read. When students are not performing like the other students and put into special classes, it often makes them feel different and incapable. Some teachers punish students with dyslexia because they think they are not trying. Many students with dyslexia are very smart but do not enjoy school. When students with dyslexia receive the proper testing and supports they need, they are able to learn to read and succeed academically.

Currently, children are not tested for dyslexia until age 7. Five to 10 percent of the population has dyslexia; it is the most common language-based learning disability. For people with reading difficulties, 70 to 80 percent are predicted to have dyslexia. If a child cannot read by third grade, it is unlikely he or she will graduate from high school.

The conversation between schools and parents about dyslexia is long overdue. For students with dyslexia, which is inheritable, the condition often goes unidentified. Federal law requires schools to look for disabilities in children and intervene early. Rather than waiting for students to fail to address problems associated with dyslexia, schools should screen for dyslexia. Time and resources are often wasted on the burdensome special education process and reading methods that are ineffective for students with dyslexia. The process pushes knowledgeable parents who can afford it to spend thousands of dollars on diagnostics, outside tutoring, and private schools. But not all families of students with dyslexia can afford this.

The Council should include people from all over the state who represent different experiences and motivations. It is important to train educators on the characteristics and identification of dyslexia. The Council can help address issues related to special education and how and when to screen students.

(Opposed) None.

(Other) Universal screenings should be basic education, not special education. There are terms in the bill that are undefined, for example "evaluation" and "system of support." The best practice for teaching children is the MTSS, which is a responsive model, in contrast to the wait-to-fail model.

Dyslexia is a complex issue and should be reviewed. How special and general education coordinate and respond to student needs is important. A work group should develop comprehensive recommendations on these issues before legislation is enacted. If the system is not ready to respond, students will be impacted negatively.

**Persons Testifying:** (In support) Senator Zeiger, prime sponsor; Anna Buetow; Christopher Buetow; Sawyer Wolters; Lisa Wolters; Sandra Ames; and Aira Jackson, Office of the Superintendent of Public Instruction.

(Other) Carrie Suchy, Washington State Association of School Psychologists; and Sarah Butcher, Washington State Special Education Advisory Council.

**Persons Signed In To Testify But Not Testifying:** None.