

SENATE BILL REPORT

SB 6162

As of January 25, 2018

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: Senators Zeiger, Wellman, Palumbo and Mullet.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/15/18.

Brief Summary of Bill

- Provides a statutory definition of dyslexia.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to review free, online screening tools for dyslexia and post one or more of the most reliable tools on the agency's website.
- Requires each school district and charter school to screen each kindergarten and first grade students for indications of dyslexia.
- Permits school districts and charter schools to use a tool posted on the OSPI website to meet the screening requirement but does not require use of the posted tools.
- Authorizes OSPI to adopt rules, including a timeline for school districts and charter schools to implement the required dyslexia screenings.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Susan Mielke (786-7422)

Background: Federal Definitions. The Individuals with Disabilities Education Act (IDEA) and its implementing regulations, list 13 conditions that can make a student eligible for special education, if the condition adversely affects the student's school performance. One of the conditions is a Specific Learning Disability, or SLD. The IDEA definition of a SLD

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includes dyslexia as a type of SLD. However, IDEA does not define dyslexia or tell states how schools should address it.

State Definitions. The state definition of SLD under the rules of OSPI mirror the federal definition. Neither state statute nor OSPI rule defines "dyslexia. However, OSPI uses the following definition of dyslexia adopted by the International Dyslexia Association (IDA) and the National Institute of Child Health and Human Development (NICHD):

"Dyslexia is a specific learning disability 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."

Federal Requirements Addressing Screenings for Disabilities. IDEA regulations require each state to have policies to identify, locate, and evaluate all children with disabilities residing in the state in need of special education and related services, including infants or toddlers, homeless children, wards of the state, and students attending private schools. States may use screenings to help identify students but IDEA regulations do not require screenings.

State Requirements Addressing Screenings for Disabilities. OSPI rules mirror the IDEA regulations to require each school to have policies to identify all children in need of special education and related services. State laws or rules do not require schools to use screenings.

Summary of Bill: A definition of dyslexia is provided in statute: dyslexia is a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person's intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language.

OSPI must review free, online screening tools for dyslexia and post one or more of the most reliable tools on the agency's website. OSPI must review the posted tools once every five years to determine whether the posted tools are still some of the most reliable.

Each school district and charter school must screen each kindergarten and first grade students for indications of dyslexia. School districts and charter schools may use a free, online screening tool posted on the OSPI website to meet the screening requirement, however, school districts are not required to use those tools. If the screening indicates that the student may be experiencing dyslexia then the school district or charter schools must conduct formal testing to determine whether the student is eligible for special education and related services.

OSPI may adopt rules including a timeline for school districts and charter schools to implement the required dyslexia screenings.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: A decade ago there was significant legislation and funding to assist students with dyslexia. During the intervening time that focus has faded but there is so much more that can be done.

Experienced teachers know that not all children learn using whole language methods. Students who are struggling with reading respond to learning phonics. It gives students a skill to decode words. It is important that teachers are trained in phonics.

Dyslexia is very prevalent in our general population and in our schools. Students participating in the highly capable program can still have dyslexia. This is why it is important that there is early universal screening for dyslexia. We should not wait for students to fail before they have the opportunity to be screened.

The free, online screenings are not quality screenings. We need actual data. Dyslexia often is accompanied by other learning disabilities: dysgraphia, dyscalculia, and dyspraxia. We strongly encourage including universal screenings for these as well.

Supports and interventions must be provided for students identified by the early screening as having some indicators of dyslexia. The lack of supports or remediation for these students negatively impacts the social and emotional well-being of the students and their families.

CON: The piece that is missing in this bill is the requirement to provide early interventions for students struggling to read. Screenings are a method of assessment that is intentionally designed to over-identify students for the purposes of interventions. There should not be mandatory evaluations based on the screenings.

OTHER: Dyslexia does not automatically make a student eligible for special education. Therefore, we would like the requirement be removed for school districts to conduct a formal evaluation if the screening indicates some level of dyslexia. We prefer that the screening be used to indicate whether a referral for special education may be needed, which would require parental consent. Supports and interventions should be provided for students identified by the screening as having some indicators of dyslexia.

There needs to be a more systematic and comprehensive approach to early reading literacy that includes multiple systems of supports, training for teachers, more specialists and coaches. There should be reading specialists that can identify dysgraphia, dyscalculia, and dyspraxia and related learning disabilities. We strongly encourage including universal screenings conducted by reading specialist for these too.

We recommend making the distinction between screeners and diagnostic assessments. There should be a system of diagnostic assessments that cover a wide range of reading challenges, not just dyslexia.

Persons Testifying: PRO: Senator Hans Zeiger, Prime Sponsor; Aileen Aylward Hammar, Washington State PTA; Austina De Bonte, NW Gifted Child Association; Viktor De Bonte, citizen; Sara Buetow, Decoding Dyslexia Washington; Michel Plemmons, Washington Education Association; Becca Ritchie, WEA Badass Teacher Caucus; Alicia Smith, citizen; PattiJo Daniels, citizen; Becca Ritchie, WEA Badass Teacher Caucus; Sandra Ames, Parent Dyslexia Advocate; Jacqueline Wilder, citizen; Sylvia Davison, citizen; Peter Davison, citizen; Kristen Slocum, citizen.

CON: Carrie Suchy, Washington State Association of School Psychologists.

OTHER: Glenna Gallo, Assistant Superintendent of Special Education, OSPI; M. C. Halvorsen, citizen; Dave Powell, Stand for Children.

Persons Signed In To Testify But Not Testifying: No one.