

SENATE BILL REPORT

E2SSB 6162

As Amended by House, March 1, 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: Senate Committee on Ways & Means (originally sponsored by Senators Zeiger, Wellman, Palumbo and Mullet).

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/15/18, 1/23/18, 1/25/18 [DPS-WM].

Ways & Means: 2/01/18, 2/06/18 [DP2S].

Floor Activity:

Passed Senate: 2/14/18, 48-0.

Passed House: 3/01/18, 96-2.

Brief Summary of Engrossed Second Substitute Bill

- Provides a statutory definition of dyslexia.
- Requires each school district and charter school to screen each kindergarten and second grade student for indications of dyslexia beginning in school year 2020-21.
- Specifies that districts must provide interventions to support students identified as below grade level literacy development or indicators of dyslexia and notify parents and families of the interventions offered.
- Provides that with parental consultation and consent, a student can be referred for further evaluation.
- Tasks the Office of Superintendent of Public Instruction (OSPI) with reconvening a Dyslexia Advisory Council to advise OSPI on matters relating to dyslexia, including options for the best way to implement the required screenings for dyslexia.
- Authorizes school districts to be able to use Learning Assistance Program (LAP) funds to meet the screening requirements in the bill.

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.

- Directs school districts to report data beginning with the 2018-19 school year if a school is screening students for dyslexia. The OSPI and the advisory committee must use the data to inform the work of the advisory committee.
- Links the data collection to the annual assessment inventory.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig, Hawkins, Hunt, Mullet, Padden, Pedersen and Rivers.

Staff: Susan Mielke (786-7422)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6162 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey, Becker, Billig, Brown, Carlyle, Conway, Darneille, Fain, Hasegawa, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker, Rivers, Schoesler, Van De Wege, Wagoner and Warnick.

Staff: Jeffrey Naas (786-7708); 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 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.

LAP. LAP provides supplemental instruction and services to assist students in grades K-12 who are not meeting academic standards and to reduce disruptive behaviors in the classroom. The state allocation for LAP is based on the number of K-12 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. Since 2016, the state Operation Budgets have directed OSPI to collect data from districts about time spent taking assessments, both state and district-required. The OSPI submitted a report in 2016 and an update in 2017.

Summary of Engrossed Second Substitute Bill: A definition of dyslexia is provided in statute. Beginning in school year 2020-21, each school district and charter school must screen each kindergarten, first, and second grade student for indications of dyslexia. The screening tools used must exemplify best practices.

School districts must provide interventions to support students identified by the screening as below grade level literacy development or having indicators of dyslexia. School districts and charter schools are authorized to use LAP funds to meet the screening requirements. Parents and families must be notified of the interventions being offered to their student. Upon parental consultation and consent, a student can be referred for further evaluation.

OSPI must reconvene a Dyslexia Advisory Council (Council) to advise OSPI on matters relating to dyslexia. The Council must submit an annual report to the House and Senate Education Committees.

OSPI, with input from the Council, must determine which screening tools meet the developmental and academic criteria to indicate typical literacy development and dyslexia. Beginning with the 2019-20 school year, OSPI must host on the agency's website literacy screeners to be used by schools in kindergarten, first, and second grades.

Before the 2020-21 school year, the Council must develop options for the best way to implement the screening requirements.

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, if a school is screening students for indicators of dyslexia, then the school must report the number of students and grade levels of the students screened. This data must be disaggregated by subgroups of students. The Council must use this data when developing

options for the best way to implement dyslexia screenings and when advising the OSPI on dyslexia.

OSPI may adopt rules including a timeline for school districts 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 on Original Bill (Early Learning & K-12 Education): *The committee recommended a different version of the bill than what was heard.* 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 (Early Learning & K-12 Education): 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 (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: I felt hopeless even though I am a highly capable child. I tried hard to read, but got pulled out of class to catch up with other students. I was tested and diagnosed with dyslexia. My homework took two hours whereas it took 20 minutes for other kids. We do not have the appropriate interventions in our schools. Early intervention can make a difference. By middle of third grade, my kid was in a panic. We paid \$50,000 for services and private schools over the past four years. I commute over three hours daily to get kids to and from schools that can help. Students who struggle to read are at a higher risk to drop out of high school, become incarcerated and live below the poverty line. Thirty-five states have dyslexia legislation and screening ongoing. Early intervention is a simple solution to a huge problem. I used to get teased in school and it turned out I had dyslexia. The financial burden is placed on the parents to get the students on the path to reading. The financial cost to get one of my kids reading was well over \$40,000.

OTHER: Reference to "below grade level" is a concern for us. Without further clarification, "below grade level" could be equated to below the 50th percentile which would vastly over-identify students for interventions.

Persons Testifying (Ways & Means): PRO: Senator Hans Zeiger, Prime Sponsor; Melissa Perry; Aileen Hammar, Washington State PTA; Sandra Ames, citizen; Heather Schwindt,

citizen; Luke Dolan, citizen; Liam Rogan, citizen; Marcella Schwindt, citizen; Shasta Berg, citizen; Zinnia Berg, citizen.

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

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S): The definition of dyslexia is modified. The required school district screenings for indications of dyslexia in grades kindergarten through second grades are delayed until the 2021-22 school year. The screening tools identified by OSPI and tools used by districts must meet best practices, such as satisfying developmental and academic criteria that indicate typical literacy development or dyslexia, and identifying highly predictive indicators of dyslexia. OSPI must update, as appropriate, the list of screening tools and resources.

School districts must provide interventions for students identified by the screenings as having indications of dyslexia. The interventions must be multi-tiered systems of support that meet certain requirements. Districts must also provide educational materials to parents and families of students who display indications of dyslexia.

The Council expires on August 1, 2023. The Council's report, which must be submitted to OSPI rather than the Legislature, must include best practices for implementing multi-tiered systems of support, sample educational materials, and best practices for meeting the needs of students above grade two. OSPI must review the Council's recommendations and make its own recommendations available to school districts by June 1, 2021, before district implementation is required. The Council and OSPI must update their recommendations after reviewing the first year of school district implementation of the required screenings and interventions. OSPI must report by November 1, 2022, certain information from the first year of school district implementation of the required screenings and interventions, rather than requiring an annual report from the Council.

LAP allocations may be used for staff trainings to implement the required dyslexia screenings and to provide the multi-tiered interventions.