

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Committee Substitute

for

Senate Bill 274

By Senators Grady, Woelfel, Queen, Roberts,

Plymale, Nelson, Taylor, Deeds, Oliverio, and Barrett

[Originating in the Committee on Finance; reported on

February 9, 2023]

1 A BILL to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to
2 amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code;
3 and to amend and reenact §18-20-10 of said code, all relating to enhancing academic
4 achievement of students including those with learning disabilities; establishing the Third
5 Grade Success Act; replacing transformative system of support for early literacy with multi-
6 tiered system of support for early literacy and numeracy in kindergarten through grade
7 three; revising findings; defining “science of reading”; revising inclusions in West Virginia
8 Board of Education rules required to effectuate Third Grade Success Act section; requiring
9 each county board to adopt high-quality instructional materials; specifying data to be used
10 to inform the classroom teacher’s recommendation on grade level retention; requiring
11 county boards of education to provide in-service training for early childhood classroom
12 assistant teachers, aides, classroom teachers, and in certain instances, interventionists in
13 grades kindergarten through three; updating deadlines for West Virginia Board of
14 Education multi-tiered system of support for early literacy and numeracy reports; modifying
15 provisions pertaining to funding for Third Grade Success Act section; requiring retention in
16 the third grade in certain circumstances; specifying exceptions to third grade retention
17 requirement; adding maximum teacher-pupil ratio for pre-kindergarten; adding maximum
18 early childhood classroom assistant teacher or aide-pupil ratio for kindergarten through
19 grade three; phasing in early childhood classroom assistant teacher/aide requirement for
20 grades one through three; allowing county boards to employ an interventionist instead of
21 an early childhood assistant teacher or aide; removing requirement for survey of districts
22 on class overcrowding and report to the Legislative Oversight Commission on Education
23 Accountability a tailored plan for reducing class overcrowding; phasing in increased ratios
24 of service personnel per 1,000 students for the purpose of determining the basic
25 foundation allowance for service personnel; revising findings; making recognitions
26 regarding dyslexia and dyscalculia; and replacing responsibilities of the West Virginia

27 Board of Education pertaining to specific learning disabilities, including dyslexia and
28 dyscalculia, with duties of the state education agency and the local education agencies,
29 including the public charter schools.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-10. Third Grade Success Act; transformative multi-tiered system of support for early literacy and numeracy in kindergarten through grade three; pre-service and in-service teacher training; notice to parent or guardian; third grade retention policy with exceptions; interventions continuing in fourth grade for students below proficient.

1 (a) This section shall be known and may be cited as the Third Grade Success Act.

2 ~~(a)~~ (b) The Legislature finds that:

3 (1) In the early learning years, ensuring that each student masters the content and skills
4 needed for mastery at the next grade level is critically important for student success;

5 (2) Students who do not demonstrate grade-level proficiency in reading by the end of third
6 grade become increasingly less likely to succeed at each successive grade level and often drop
7 out of school prior to graduation;

8 (3) State board policy requires every school to establish a process for ensuring the
9 developmental and academic progress of all students. This process is to be coordinated by a
10 school student assistance team that reviews student developmental and academic needs that
11 have persisted despite being addressed through instruction, multi-tiered system of support for
12 intervention, and as applicable, supports for personalized learning. Ensuring the developmental
13 and academic success of all students requires every school to implement, in an equitable manner,
14 programs during and after the instructional day at the appropriate instructional levels that

15 contribute to the success of students; and

16 (4) To ensure that all students read and perform mathematics proficiently by the end of
17 third grade, a statewide comprehensive approach to early literacy and numeracy is required. This
18 approach shall focus on intensive supports during the early learning years which include schools
19 and engaged communities mobilized to remove barriers, expand opportunities, and assist parents
20 in fulfilling their roles and responsibilities to serve as full partners in the success of their children.

21 (c) “Science of reading” means evidence-based reading instruction practices that address
22 the acquisition of language, phonological and phonemic awareness, phonics and spelling, fluency,
23 vocabulary, oral language, comprehension, and writing that can be differentiated to meet the
24 needs of individual students.

25 (b) ~~(d)~~ The state board shall, in accordance with ~~the provisions of article three-b, chapter~~
26 ~~twenty-nine-a~~ §29A-3B-1 et seq. of this code, promulgate legislative rules as necessary to
27 effectuate the provisions of this section. The rules shall provide for at least the following:

28 (1) Development of a statewide comprehensive, systemic approach to close the reading
29 and mathematics achievement ~~gap~~ gaps by third grade, which targets school readiness, the
30 attendance gap, science of reading instruction (phonics, phonemic awareness, vocabulary,
31 fluency, comprehension, and writing), summer learning loss, the use of screeners and/or
32 benchmark assessments in English language arts and mathematics for students in grades
33 kindergarten through three, and a multi-tiered system of support for students exhibiting a
34 substantial reading or mathematics deficiency; ~~transformative intervention framework for student~~
35 ~~and learning supports;~~

36 (2) Ensuring all West Virginia children have access to high-quality early learning
37 experiences that focus on healthy learners as part of the school readiness model, resulting in
38 increased populations of children on target for healthy development prior to entering first grade;

39 (3) Closing the attendance gap to certify West Virginia children attend school regularly and
40 limit chronic absenteeism in the early grades;

41 (4) Providing assistance to county boards with the training and implementation of the
42 science of reading training for all kindergarten through grade three educators, early childhood
43 classroom assistant teachers, aides, and any interventionists that a county board may choose to
44 employ instead of an early childhood classroom assistant teacher or aide pursuant to §18-5-
45 18a(b) of this code;

46 (5) (4) Assisting county boards in establishing and operating targeted, sustained extended
47 day and extended year reading and mathematics programs to ensure grade level proficiency and
48 battle summer learning loss;

49 (6) Establishing an approved list of screeners and/or benchmark assessments in English
50 language arts and mathematics for students in grades kindergarten through three for the purpose
51 of identifying students with a significant reading and/or mathematics deficiency. The screener
52 and/or benchmark assessments shall be given in the first 30 days of the school year and repeated
53 at mid-year and at the end of the school year to determine student progression in reading and
54 mathematics in kindergarten through third grade;

55 (7) Establishing an approved list of dyslexia screeners to be administered to students at
56 the end of kindergarten and any time during the first and second grade when students with
57 identified deficiencies are not responding to interventions;

58 (8) Any student in kindergarten or grades one through three who exhibits a deficiency in
59 reading at any time, based upon the screeners and/or benchmark assessments, and/or the
60 comprehensive statewide student assessment, and any fourth-grade student promoted for good
61 cause shall receive an individual reading improvement plan no later than 30 days after the
62 identification of the reading deficiency. The reading improvement plan shall be created by the
63 teacher, principal, other pertinent school personnel, and the parent(s), and shall describe the
64 research-based reading intervention services the student will receive to remedy the reading
65 deficit. Each student shall receive intensive reading intervention until the student no longer has a
66 deficiency in reading. Reading interventions may include evidence-based strategies frequently

67 used to remediate reading deficiencies and includes, but is not limited to, individual instruction,
68 small-group instruction, tutoring, mentoring, or the use of technology that targets specific reading
69 skills and abilities;

70 (5) (9) Maximizing family engagement to result in the development of a culture of literacy and
71 numeracy, from birth through third grade which shall at least include:

72 (A) Providing parents or guardians with regular updates to inform them of their child's
73 progress toward proficiency in reading and mathematics;

74 (B) Ensuring parents or guardians are informed of and have access to resources which
75 they may utilize to improve their child's literacy and numeracy skills;

76 (C) Ensuring the parent or guardian is informed of the importance of their child being able
77 to demonstrate grade level reading and mathematics skills by the end of the third grade and the
78 measures that will be employed pursuant to this section to improve the reading and mathematics
79 skills of children who are not meeting the standards; and

80 (D) The parent or guardian of any student in kindergarten through grade three who exhibits
81 a deficiency in reading or mathematics at any time during the school year must be notified in
82 writing no later than 15 days after the identification of the deficiency, and the written notification
83 must include the following:

84 (i) That the student has been identified as having a deficiency in reading and/or
85 mathematics;

86 (ii) A description of the proposed research-based reading and/or mathematics
87 interventions and/or supplemental instructional services and supports that will be provided to the
88 child to address the identified area(s) of deficiency;

89 (iii) Strategies for the parent or guardian to use at home to help their child succeed in
90 reading and/or mathematics; and

91 (iv) That if the child's reading deficiency is not corrected by the end of grade three, the child
92 may not be promoted to grade four unless an exemption is met;

93 ~~(6)~~ (10) Supporting high-quality schools and a workforce prepared to address early literacy
94 and numeracy by the provision of professional development for administrators, kindergarten, first,
95 second, and third grade teachers including, but not limited to, the following: ~~identification of~~
96 interventions, and implementation of a system of intervention for children not reaching grade level
97 proficiency

98 (A) The approved benchmark assessment and/or screener tools to ensure teachers have
99 the knowledge and skill to administer the assessment and/or screener, analyze the data to inform
100 instruction, and identify students exhibiting substantial deficiencies in reading or mathematics;

101 (B) Comprehensive training on the science of reading and numeracy instruction to ensure
102 all kindergarten through grade three teachers, early childhood classroom assistant teachers, and
103 aides, have the knowledge and skill to teach and/or support all students to read and perform
104 mathematics at grade level. The rules also shall provide that any interventionist a county chooses
105 to employ instead of an early childhood classroom assistant teacher or aid pursuant to §18-5-
106 18a(b) receives this comprehensive training;

107 (C) Training and materials to inform classroom teachers of the characteristics of dyslexia
108 and dyscalculia in students, components of benchmarks and screeners that may indicate dyslexia
109 or dyscalculia, and strategies for instruction; and

110 (D) Job-embedded, on-site teacher training on evidence-based reading and mathematics
111 instruction and data-driven decision-making that provides kindergarten through grade three
112 teachers with immediate feedback for improving instruction;

113 ~~(7)~~ (11) Ensuring the employment of qualified teachers and service personnel in
114 accordance with the provisions of section thirty-nine, article five of this chapter and section seven-
115 e, article four, chapter eighteen-a §18-5-39 and §18A-4-7c of this code to provide instruction to
116 students enrolled in early literacy and numeracy support programs including, but not limited to,
117 ensuring that educator preparation programs prepare candidates seeking licensure for elementary
118 education with training and instruction to:

119 (A) Include instruction in state-adopted grade-level content standards, foundational
120 reading and mathematics skills, and how to implement reading instruction using high-quality
121 instructional materials;

122 (B) Provide effective instruction and intervention for students with reading and math
123 deficiencies, including students with characteristics of dyslexia or dyscalculia; and

124 (C) Understand and use student data to make instructional decisions;

125 ~~(8)~~ (12) Creating a formula or grant-based program for the distribution of funds
126 appropriated specifically for the purposes of this section or otherwise available for the support of a
127 targeted, multi-tiered system of support intervention ~~comprehensive system of support~~ for early
128 literacy and numeracy;

129 ~~(9)~~ (13) Providing support for transportation and healthy foods for students required to
130 attend after-school and extended year early literacy and numeracy instructional support programs
131 and supervision at the school that accommodates the typical work schedules of parents; and

132 ~~(10)~~ (14) Receiving from county boards any applications and annual reports required by
133 rule of the state board.

134 ~~(e)~~ (e) A student in grades kindergarten through grade three ~~who is recommended by the~~
135 ~~student assistance team or the student's classroom teacher for additional assistance in one or~~
136 ~~more of the key standards of English Language Arts including reading, speaking and listening,~~
137 ~~writing or language may~~ shall be required to attend an extended year early literacy and numeracy
138 instructional support program as a condition for promotion if:

139 (1) The student has been provided additional academic assistance ~~help~~ through
140 interventions offered during the school day in-school or after-school in early literacy and numeracy
141 ~~instructional support program~~ and, prior to the end of the school year, the student assistance team
142 or the student's classroom teacher recommends that further additional academic help is needed
143 for the student to be successful at the next grade level; and

144 (2) The county board has established an ~~early~~ a literacy and numeracy instructional

145 support program during the extended year for the student's grade level.

146 ~~(d)~~ (f) County boards shall provide high-quality educational facilities, equipment, and
147 services to support ~~early literacy~~ and numeracy instructional support programs established
148 pursuant to this section. Extended year programs may be provided at a central location for
149 kindergarten through third graders who qualify for the program.

150 (g) Each county board shall adopt high-quality instructional materials grounded in
151 scientifically-based reading research and aligned to state standards to be used as the core
152 curriculum. The instructional materials shall not include practices that are aligned with the Three-
153 Cueing Systems Model of teaching reading.

154 ~~(e)~~ (h) This section may not be construed to prohibit a classroom teacher from
155 recommending the grade level retention of a student in any of the grades kindergarten through
156 grade three based upon the student's lack of mastery of the subject matter and preparation for the
157 subject matter at the next grade level. Benchmark and/or screener data shall be used to inform the
158 classroom teacher's recommendation.

159 ~~(f)~~ (i) This section may not be construed to affect the individualized education plans of
160 exceptional students.

161 ~~(g)~~ (j) This section may not be construed to limit the authority of the county board to
162 establish an extended year program in accordance with ~~section thirty-nine, article five of this~~
163 ~~chapter~~ §18-5-39 of this code. County boards may not charge tuition for enrollment in early literacy
164 and numeracy instructional support programs established pursuant to this section.

165 ~~(h)~~ (k) Each county board shall ~~prepare to~~ implement the provisions of this section and the
166 provisions of the state board rule required by subsection (b) of this section. ~~The preparations shall~~
167 ~~at least include planning, ensuring~~ The county board shall establish a process for ensuring the
168 developmental and academic progress of all students through the auspices of student assistance
169 teams as currently required by state board policy and ~~performing~~ perform a needs assessment to
170 determine the potential capacity requirements for the multi-tiered system of support for early

171 learners. Each county board also shall provide in-service training:

172 (1) For kindergarten through grade three early childhood classroom assistant teachers,
173 and aides, specifically related to literacy, numeracy, and their responsibilities and appropriate
174 measures for exercising authority and control over students. The county board shall also provide
175 this training to any interventionists it chooses to employ instead of an early childhood classroom
176 assistant teacher or aide pursuant to §18-5-18a(b) of this code; and

177 (2) For classroom teachers in grades kindergarten through three to help the classroom
178 teachers gain a strong understanding of how to best utilize the early childhood classroom assistant
179 teachers, aides, or interventionists during classroom instruction and during other periods of the
180 day.

181 ~~(i) (l)~~ The state board shall provide a report describing the proposed implementation of the
182 ~~transformative multi-tiered~~ system of support for early literacy and numeracy to the Legislative
183 Oversight Commission on Education Accountability on or before ~~July 1, 2014~~ July 1, 2023.

184 ~~(j) (m)~~ The state board shall provide a comprehensive report regarding the status of the
185 ~~transformative multi-tiered~~ system of support for literacy and numeracy to the Legislative
186 Oversight Commission on Education Accountability, the Joint Committee on Government and
187 Finance, and the Governor on or before ~~November 1, 2014~~ November 1, 2023, and annually on or
188 before November 1 ~~on~~ of each year thereafter. The report shall address, at a minimum, the
189 progress of the program throughout the state, its effect on student achievement, and the sources
190 of the funding both available to and used by the program.

191 ~~(k) (n)~~ ~~The provisions of this section are subject to the availability of funds from legislative~~
192 ~~appropriation or other sources specifically designated for the purposes of this section. If a county~~
193 ~~board determines that adequate funds are not available for full implementation of a transformative~~
194 ~~system of support for early literacy in the county, the county board may implement its program in~~
195 ~~phases by first establishing early literacy instructional support programs in the early readiness~~
196 ~~grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early~~

197 ~~literacy instructional support program for the third grade once~~ Legislative appropriations to the
198 State Board of Education – State Department of Education Elementary Literacy and Numeracy
199 Program shall be used for the implementation of the provisions of this section along with other
200 funds available for providing a high-quality education.

201 (4) (o) Effective for the school year beginning July 1, 2026, and thereafter, a public school
202 student who generally demonstrates a minimal understanding of, and ability to apply, grade level
203 English language arts knowledge, skills, and abilities, or both, as indicated on the West Virginia
204 General Summative Assessment relative to the West Virginia College and Career Readiness
205 Standards at the end of third grade, shall upon the recommendation of the teacher and the student
206 assistance team, be retained in the third grade for the ensuing school year subject to the following
207 exceptions:

208 (1) A student with disabilities whose Individual Education Plan indicates participation in the
209 statewide alternate summative assessment;

210 (2) A student identified as an English language learner who has had less than three years
211 instruction in English as a second language;

212 (3) A student with disabilities who participates in the statewide summative assessment,
213 has an Individual Education Plan or Section 504 plan that reflects that the student has received
214 intensive intervention for more than two years and still demonstrates a deficiency or who was
215 previously retained in any of the grades kindergarten through grade three;

216 (4) A student who is in the process of a special education referral or evaluation for
217 placement in special education, has been diagnosed as having a significant impairment, including
218 dyslexia or dyscalculia, or is a child with a disability if the student’s individualized education
219 program team and the student’s parent or guardian agree that promotion is appropriate based on
220 the student’s Individualized Education Plan;

221 (5) A student who has received intensive intervention for two or more years, still
222 demonstrates a deficiency, and who was previously retained in any of the grades kindergarten

223 through grade three for a total of two years: *Provided*, That the student shall continue to receive
224 intensive intervention in grade four;

225 (6) A student who demonstrates an acceptable level of performance on an alternative
226 standardized assessment approved by the State Board;

227 (7) A student who attends an extended year learning program following the third grade and
228 has attained proficiency; and

229 (8) A student whose parent or guardian has requested a good cause exemption within the
230 time period established by the county board and the superintendent, or his or her designee,
231 determines that the good cause exemption is in the best interests of the child: *Provided*, That a
232 good cause exemption may not prohibit the grade level retention of a student by a classroom
233 teacher based upon the student's lack of mastery of the subject matter and preparation for the
234 subject matter at the next grade level.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18a. Maximum teacher-pupil ratio.

1 (a) County boards of education shall provide sufficient personnel, equipment, and facilities
2 as will ensure that each ~~first through sixth grade~~ classroom, or classrooms having two or more
3 grades that include one or more of the ~~first~~ kindergarten through sixth grades shall not have more
4 ~~than 25 pupils for each teacher of the grade or grades and shall not have more than 20 pupils for~~
5 ~~each kindergarten teacher per session~~ as follows, unless the state superintendent has excepted a
6 specific classroom upon application therefor by a county board as provided in this section:

7 (1) For kindergarten, not more than 20 pupils for each teacher and one early childhood
8 classroom assistant teacher or aide in classrooms with more than 10 pupils;

9 (2) For first, second, and third grades, not more than 25 pupils for each teacher and one
10 early childhood classroom assistant teacher or aide in classrooms with more than 12 pupils:
11 *Provided*, That the early childhood classroom assistant teacher/aide requirement for classrooms
12 with more than 12 pupils shall not be effective until July 1, 2023, for first grade classrooms; July 1,

13 2024, for second grade classrooms; and July 1, 2025, for third grade classrooms; and

14 (3) For grades four, five, and six, not more than 25 pupils for each teacher.

15 (b) County boards may satisfy the requirements of subsection (a) of this section by
16 employing a full-time interventionist instead of an early childhood assistant teacher or aide,
17 subject to the following:

18 (1) If no full-time interventionist is available, a county board may satisfy the requirements of
19 subsection (a) of this section by employing a part-time interventionist; and

20 (2) County boards are not required to employ an interventionist even if there are an
21 insufficient number of early childhood assistant teachers and aides available to fill all the positions
22 required by subsection (a) of this section.

23 ~~(b)~~ (c) County school boards may not maintain a greater number of classrooms having two
24 or more grades that include one or more of the grade levels referred to in this section than were in
25 existence in said county as of January 1, 1983.

26 ~~(e)~~ (d) The state superintendent is authorized, consistent with sound educational policy, to:

27 (1) Permit on a statewide basis, in grades four through six, more than 25 pupils per teacher
28 in a classroom for the purposes of instruction in physical education; and

29 (2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25
30 pupils per teacher in a specific classroom in grades four through six during a school year in the
31 event of extraordinary circumstances as determined by the state superintendent after application
32 by a county board of education.

33 ~~(d)~~ (e) The state board shall establish guidelines for the exceptions authorized in this
34 section, but in no event shall the superintendent except classrooms having more than three pupils
35 above the pupil-teacher ratio as set forth in this section.

36 ~~(e)~~ (f) The requirement for approval of an exception to exceed the 20 pupils per
37 kindergarten teacher per session limit or the 25 pupils per teacher limit in grades ~~one~~ four through
38 six is waived in schools where the schoolwide pupil-teacher ratio is 25 or less in grades ~~one~~ four

39 through six: *Provided*, That a teacher shall not have more than three pupils above the
40 teacher/pupil ratio as set forth in this section. Any kindergarten teacher who has more than 20
41 pupils per session and any classroom teacher of grades ~~one~~ four through six who has more than
42 25 pupils, shall be paid additional compensation based on the affected classroom teacher's
43 average daily salary divided by 20 for kindergarten teachers, or 25 for teachers of grades ~~one~~ four
44 through six, for every day times the number of additional pupils enrolled up to the maximum pupils
45 permitted in the teacher's classroom. All such additional compensation shall be paid from county
46 funds exclusively.

47 Notwithstanding any other provision of this section to the contrary, commencing with the
48 school year beginning on ~~July 1, 1994~~ July 1, 1996, a teacher in grades one, two, or three, or
49 classrooms having two or more such grade levels, ~~shall not have more than two pupils above the~~
50 ~~teacher/pupil ratio as set forth in this section: *Provided*, That commencing with the school year~~
51 ~~beginning on July 1, 1995, such teacher shall not have more than one pupil above the~~
52 ~~teacher/pupil ratio as set forth in this section: *Provided, however*, That commencing with the~~
53 ~~school year beginning on July 1, 1996, such teacher shall not have any pupils above the~~
54 teacher/pupil ratio as set forth in this section.

55 (f) (g) No provision of this section is intended to limit the number of pupils per teacher in a
56 classroom for the purpose of instruction in choral, band, or orchestra music.

57 (g) (h) Each school principal shall assign students equitably among the classroom
58 teachers, taking into consideration reasonable differences due to subject areas and/or grade
59 levels.

60 (h) (i) The state board shall collect from each county board of education information on
61 class size and the number of pupils per teacher for all classes in grades seven through 12. The
62 state board shall report such information to the Legislative Oversight Commission on Education
63 Accountability before January 1, of each year.

64 (i) ~~The West Virginia Department of Education shall survey districts to determine those~~

65 ~~grade levels, content areas, and geographic locations where class overcrowding is impeding~~
66 ~~student achievement and report to the Legislature by July 1, 2020 a tailored plan for reducing class~~
67 ~~overcrowding in such areas.~~

68 The study shall include, but is not limited to, an examination of the following issues:

69 ~~(1) The effect on student learning of limits on the number of pupils per teacher in a~~
70 ~~classroom in elementary classes and in a middle and high school format in which students have~~
71 ~~different teachers for different subject matter instruction;~~

72 ~~(2) The effect on the equity among teachers in a middle school in which the number of~~
73 ~~pupils per teacher in a classroom is limited for some teachers and not for others, including the~~
74 ~~additional pay for certain teachers in whose classrooms the limits are exceeded; and~~

75 ~~(3) The effect limits on the number of pupils per teacher in a classroom have on the ability~~
76 ~~of school systems to offer elective courses in secondary school~~

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-5. Foundation allowance for service personnel.

1 (a) The basic foundation allowance to the county for service personnel shall be the amount
2 of money required to pay the annual state minimum salaries in accordance with the provisions of
3 ~~article four, chapter eighteen-a §18A-4-1 et seq.~~ of this code to such service personnel employed,
4 subject to the following:

5 (1) A county shall receive an allowance for state aid eligible service personnel positions per
6 1,000 students in net enrollment, as follows:

7 (A) For each high-density county, ~~forty-three and ninety-seven one hundredths 43.97~~
8 ~~service personnel per 1,000 students in net enrollment: Provided, That this ratio of service~~
9 ~~personnel per 1,000 students in net enrollment shall increase to 47.39 beginning July 1, 2023;~~
10 ~~50.65 beginning July 1, 2024; and 53.79 beginning July 1, 2025;~~

11 (B) For each medium-density county, ~~forty-four and fifty-three one hundredths 44.53~~
12 ~~service personnel per 1,000 students in net enrollment: Provided, That this ratio of service~~

13 personnel per 1,000 students in net enrollment shall increase to 47.95 beginning July 1, 2023;
14 51.21 beginning July 1, 2024; and 54.35 beginning July 1, 2025;

15 (C) For each low-density county, ~~forty-five and one tenth~~ 45.10 service personnel per 1,000
16 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net
17 enrollment shall increase to 48.52 beginning July 1, 2023; 51.78 beginning July 1, 2024; and 54.92
18 beginning July 1, 2025;

19 (D) For each sparse-density county, ~~forty-five and sixty-eight one hundredths~~ 45.68
20 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service
21 personnel per 1,000 students in net enrollment shall increase to 49.10 beginning July 1, 2023;
22 52.36 beginning July 1, 2024; and 55.50 beginning July 1, 2025; and

23 (E) For any service personnel positions, or fraction thereof, determined for a county
24 pursuant to subdivision (1) of this subsection that exceed the number employed, the county's
25 allowance for these positions shall be determined using the average state funded minimum salary
26 of service personnel for the county;

27 (2) The number of and the allowance for personnel paid in part by state and county funds
28 shall be prorated; and

29 (3) Where two or more counties join together in support of a vocational or comprehensive
30 high school or any other program or service, the service personnel for the school or program may
31 be prorated among the participating counties on the basis of each one's enrollment therein and
32 that the personnel shall be considered within the above-stated limit.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-10. Dyslexia and dyscalculia defined; responsibilities of the state educational and local educational agencies.

1 (a) The Legislature finds as follows:

2 (1) Reading difficulties are the most common cause of academic failure and
3 underachievement;

4 (2) There are many students who demonstrate significant weaknesses ~~with reading,~~
5 ~~writing and mathematics~~ in literacy and numeracy that are the root causes of influenced by specific
6 learning disabilities, including dyslexia, dyscalculia, and related learning difficulties. Of those who
7 are referred to special education services in public schools, the majority are referred because of
8 ~~problems with~~ weaknesses in the areas of language, reading, writing, or a combination of each;

9 (3) Teaching reading effectively, especially to students experiencing difficulty, requires
10 considerable knowledge and skill. Informed and effective classroom instruction, especially in the
11 early grades, can prevent and relieve the severity of language difficulties, and significantly improve
12 literacy development;

13 (4) For those students with specific learning disabilities, including dyslexia and dyscalculia,
14 who need specialized instruction, ~~competent~~ appropriate intervention can ~~lessen~~ mitigate the
15 impact of the disorder and ~~help the student overcome~~ assist students in overcoming the most
16 debilitating symptoms;

17 (5) While programs for specific learning disabilities, including dyslexia and dyscalculia, that
18 certify or support teachers, clinicians, or specialists, differ in their preparation methodologies,
19 teaching approaches, and organizational purposes, they should ascribe to a common set of
20 professional standards for the benefit of the students they serve. Compliance with ~~such~~ consistent
21 standards can assure the public that individuals who serve students with specific learning
22 disabilities in public schools are prepared to implement ~~scientifically~~ evidence-based and clinically
23 proven practices;

24 (6) ~~The American Psychiatric Association's Diagnostic and Statistical Manual of Mental~~
25 ~~Disorders, Fifth Edition (DSM-5), and the federal Individuals with Disabilities Education and~~
26 ~~Improvement Act of 2004 (IDEA)~~ The International Dyslexia Association (IDA) is an association
27 that offers ~~offer~~ widely-adopted ~~and~~ consistent standards to guide the preparation, certification
28 and professional development for teachers of reading and related literacy skills in classroom,
29 remedial, and clinical settings; ~~and~~

30 (7) Effective literacy instruction:

31 (A) Is consistent with the science of reading;

32 (B) Emphasizes the areas of phonemic awareness, phonics, fluency, vocabulary,
33 comprehension, and writing; and,

34 (C) Incorporates elements of written language, including spelling, handwriting, and written
35 expression;

36 (8) Problems with a student's acquisition of literacy skills are best addressed using
37 interventions based on approaches consistent with the science of reading, including, but not
38 limited to, structured literacy; and

39 ~~(7)~~ (9) The basis of ascribing to common standards to benefit students with specific
40 learning disabilities, including dyslexia and dyscalculia, requires recognizing common
41 characteristics of the disabilities. The Legislature finds that the definitions of dyslexia and
42 dyscalculia prescribed by IDEA and the American Psychiatric Association's Diagnostic and
43 Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR) ~~DSM-5~~ are the
44 appropriate ~~measure~~ measures for recognizing characteristics of dyslexia and dyscalculia in
45 students.

46 (b) The Legislature recognizes the following regarding dyslexia and dyscalculia:

47 (1) Dyslexia and dyscalculia are conditions that may be considered under the specific
48 learning disability category, and their definitions are consistent with IDEA and state board policy.
49 State board policy provides that "specific learning disability" means a disorder in one or more of
50 the basic psychological processes involved in understanding or in using language, spoken or
51 written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to
52 do mathematical calculations, including conditions such as perceptual disabilities, brain injury,
53 minimal brain dysfunction, dyslexia and developmental aphasia;

54 (2) Dyslexia is an alternative term used to refer to a pattern of learning difficulties
55 characterized by problems with accurate or fluent word recognition, poor decoding, and poor

56 spelling abilities. If dyslexia is used to specify this particular pattern of difficulties, it is important
57 also to specify any additional difficulties that are present, such as difficulties with reading
58 comprehension or math reasoning; and

59 (3) Dyscalculia is an alternative term used to refer to a pattern of learning difficulties
60 characterized by problems processing numerical information, learning arithmetic facts, and
61 performing accurate or fluent calculations. If dyscalculia is used to specify this particular pattern of
62 mathematic difficulties, it is important also to specify any additional difficulties that are present,
63 such as difficulties with math reasoning or word reasoning accuracy.

64 ~~(c) The state board is responsible for the following:~~

65 ~~(1) Ensuring that all students receive the necessary and appropriate screenings,~~
66 ~~evaluations and early assessments for specific learning disabilities, including dyslexia and~~
67 ~~dyscalculia;~~

68 ~~(2) Ensuring that any Individualized Education Program regarding specific learning~~
69 ~~disabilities, including dyslexia or dyscalculia, which is developed or implemented, is consistent~~
70 ~~with the provisions of this section; and~~

71 ~~(3) Providing ongoing information and education to parents regarding specific learning~~
72 ~~disabilities, including dyslexia and dyscalculia, and the services available to students with such~~
73 ~~disabilities.~~

74 (c) The state educational agency shall:

75 (1) Develop guidance addressing specific learning disabilities, including dyslexia and
76 dyscalculia, which contains information related to the following:

77 (A) Appropriate literacy and numeracy screening tools for identifying students who are at
78 risk for academic difficulty in reading and/or mathematics, including dyslexia and dyscalculia, and
79 who require tiered intervention;

80 (B) Appropriate diagnostic assessment components that can be used to help identify and
81 diagnose dyslexia, dyscalculia, and/or other specific learning disabilities;

82 (C) Appropriate evidence-based instruction and intervention strategies for students who
83 are at risk for academic difficulty in reading and/or mathematics, including students who exhibit
84 possible indicators of risk for dyslexia and/or dyscalculia;

85 (D) Appropriate accommodations for students who exhibit possible indicators of risk for, or
86 who have been diagnosed with, dyslexia, dyscalculia, and/or other specific learning disabilities;

87 (E) Connecting a multi-tiered system of support framework to specific learning disability
88 identification; and

89 (F) The use of the terms "dyslexia" and "dyscalculia" in Individualized Education Programs,
90 and in evaluation reports by professionals qualified to render these diagnoses; and

91 (2) Explore options to assist any local educational agency with acquiring approved literacy
92 and/or numeracy screening tools: *Provided*, That the local educational agency is unable to acquire
93 its own literacy and/or numeracy screening tools that are consistent with state educational agency
94 recommendations.

95 (d) Each local educational agency, including public charter schools, shall:

96 (1) Develop and implement a system or method for parents and guardians to receive or
97 access information related to dyslexia and dyscalculia, at least annually;

98 (2) Ensure that the universal literacy and numeracy screening tools and/or benchmark
99 assessments used within the local educational agency's multi-tiered system of support adequately
100 detect risk status for academic difficulty in reading and/or mathematics, including potential
101 indicators for dyslexia and dyscalculia;

102 (3) Ensure appropriate local school personnel are adequately trained to administer, score,
103 and interpret the literacy and numeracy screening tools and/or benchmark assessments;

104 (4) Provide targeted and/or intensive evidence-based interventions through a multi-tiered
105 system of support framework for any student identified by the screening tools and/or benchmark
106 assessments as being at risk for academic difficulty in reading and/or mathematics, including
107 dyslexia and/or dyscalculia;

108 (5) Collect data at reasonable intervals to determine whether students receiving evidence-
109 based intervention are making sufficient growth to remediate issues identified during screening;

110 (6) Request consent for and conduct a comprehensive multidisciplinary evaluation to
111 determine eligibility for special education services when a student does not respond or minimally
112 responds to intervention strategies and/or when there is a suspected disability of dyslexia or
113 dyscalculia. If the evaluation team determines that a student should be assessed for dyslexia
114 and/or dyscalculia, provide assessment and diagnosis as appropriate by a qualified professional;

115 (7) Provide each student identified as having dyslexia and/or dyscalculia, and who meets
116 the eligibility requirements for special education and related services as a student with a specific
117 learning disability, appropriate intervention strategies and accommodations consistent with state
118 educational agency guidance through the student's Individualized Education Program;

119 (8) Consider providing reasonable and appropriate accommodations through a Section
120 504 plan for eligible students with a diagnosis of dyslexia, dyscalculia, or another specific learning
121 disability, but who do not otherwise qualify for special education and related services; and

122 (9) Require all personnel determined appropriate by the local educational agency to
123 annually receive professional development relating to the possible indicators of risk for dyslexia
124 and dyscalculia, and related classroom accommodations and instructional practices for educating
125 students who exhibit possible indicators of risk for, or who have been diagnosed with, dyslexia,
126 dyscalculia, and/or other specific learning disabilities. The duration of this professional
127 development shall not be less than 60 minutes. Local educational agencies and/or the state
128 educational agency may create one or more modules to satisfy the requirements of this
129 subdivision.