

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4608**

4 (By Delegates Barrett, Lawrence, Young,  
5 Tomblin and Campbell)

6 (Originating in the House Committee on Education.)

7 [February 21, 2014]

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9  
10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §18-20-10, relating  
12 to defining dyslexia and dyscalculia; state board  
13 responsibilities; and specifying legislative findings.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended  
16 by adding thereto a new section, designated §18-20-10, to read as  
17 follows:

18 **ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**

19 **§18-20-10. Dyslexia and dyscalculia defined.**

20 (a) The Legislature finds as follows:

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

23 (2) There are many students who demonstrate significant  
24 weaknesses with reading, writing and mathematics that are the root

1 causes of specific learning disabilities, including dyslexia,  
2 dyscalculia and related learning difficulties. Of those who are  
3 referred to special education services in public schools, the  
4 majority are referred because of problems with language, reading,  
5 writing, or a combination of each;

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

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

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

1       (6) The American Psychiatric Association's Diagnostic and  
2 Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), and  
3 the federal Individuals with Disabilities Education and Improvement  
4 Act of 2004 (IDEA) offer widely-adopted and consistent standards to  
5 guide the preparation, certification and professional development  
6 for teachers of reading and related literacy skills in classroom,  
7 remedial and clinical settings; and

8       (7) The basis of ascribing to common standards to benefit  
9 students with specific learning disabilities, including dyslexia  
10 and dyscalculia, requires recognizing common characteristics of the  
11 disabilities. The Legislature finds that the definitions of  
12 dyslexia and dyscalculia prescribed by IDEA and DSM-5 are the  
13 appropriate measure for recognizing characteristics of dyslexia and  
14 dyscalculia in students.

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

17       (1) Dyslexia and dyscalculia are conditions that may be  
18 considered under the specific learning disability category, and  
19 their definitions are consistent with IDEA and state board policy.  
20 State board policy provides that "specific learning disability"  
21 means a disorder in one or more of the basic psychological  
22 processes involved in understanding or in using language, spoken or  
23 written, that may manifest itself in the imperfect ability to  
24 listen, think, speak, read, write, spell, or to do mathematical

1 calculations, including conditions such as perceptual disabilities,  
2 brain injury, minimal brain dysfunction, dyslexia and developmental  
3 aphasia;

4 (2) Dyslexia is an alternative term used to refer to a pattern  
5 of learning difficulties characterized by problems with accurate or  
6 fluent word recognition, poor decoding, and poor spelling  
7 abilities. If dyslexia is used to specify this particular pattern  
8 of difficulties, it is important also to specify any additional  
9 difficulties that are present, such as difficulties with reading  
10 comprehension or math reasoning; and

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

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

20 (1) Ensuring that all students receive the necessary and  
21 appropriate screenings, evaluations and early assessments for  
22 specific learning disabilities, including dyslexia and dyscalculia;

23 (2) Ensuring that any Individualized Education Program  
24 regarding specific learning disabilities, including dyslexia or

1 dyscalculia, which is developed or implemented, is consistent with  
2 the provisions of this section; and

3 (3) Providing ongoing information and education to parents  
4 regarding specific learning disabilities, including dyslexia and  
5 dyscalculia, and the services available to students with such  
6 disabilities.