

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **House Bill 3462**

By Delegate Young

[Introduced February 14, 2023; Referred to the  
Committee on Education then Finance]

1 A BILL to amend and reenact §18-20-10 of the Code of West Virginia, 1931, as amended, relating  
 2 generally to identifying and educating exceptional children exhibiting indicators or  
 3 diagnosed with dyslexia or dyscalculia; and establishing requirements for the state  
 4 educational agency and local educational agencies to identify and support students with  
 5 dyslexia or dyscalculia indicators or diagnosis in the public school system.

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

**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 widely-adopted and consistent standards to guide the preparation, certification and  
28 professional development for teachers of reading and related literacy skills in classroom, remedial,  
29 and clinical settings; and

30 (7) Effective literacy instruction:

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

32 (B) Emphasizes the five areas of phonemic awareness, phonics, fluency, vocabulary, and  
33 comprehension; 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 limited  
38 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 measures for recognizing characteristics of dyslexia and dyscalculia in students.

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

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

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

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

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

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

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

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

73 (c) The state educational agency shall:

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

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

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

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

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

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

88 (F) The use of the terms "dyslexia" and "Dyscalculia" in Individualized Education  
89 Programs, and in evaluation reports by professionals qualified to render these diagnosis.

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

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

95 (1) Develop and implement a system or method for parents and guardians to receive or

96 access information related to dyslexia and dyscalculia, at least annually;

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

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

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

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

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

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

117 (8) Consider providing reasonable and appropriate accommodations through a Section  
118 504 plan for eligible students with a diagnosis of dyslexia, dyscalculia, or another specific learning  
119 disability, but who do not otherwise qualify for special education and related services; and

120 (9) Require all personnel determined appropriate by the local educational agency to  
121 annually receive professional development relating to the possible indicators of risk for dyslexia

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

NOTE: The purpose of this bill is to establish requirements for the state educational agency and local educational agencies to support students in the public school system who exhibit indicators of risk for, or who have been diagnosed with, dyslexia and dyscalculia.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.