

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 433

FISCAL
NOTE

By Senators Rucker, Hamilton, Oliverio, Stover,
Martin, Queen, Barrett, and Chapman

[Introduced January 23, 2023; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18-20-10 of the Code of West Virginia 1931, as amended, relating
2 to dyslexia; and establishing requirements for the state board and the Local Educational
3 Agency (LEAs) to appropriately screen for dyslexia and support students with dyslexia in
4 the school system.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

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

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 that are the root causes of influenced by specific learning disabilities,
6 including dyslexia, dyscalculia, and related learning difficulties. Of those who are referred to
7 special education services in public schools, the majority are referred because of problems with
8 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 intervention can lessen the impact of the disorder
15 and help the student overcome the most debilitating symptoms;

16 (5) While programs for specific learning disabilities, including dyslexia and dyscalculia, that
17 certify or support teachers, clinicians or specialists differ in their preparation methodologies,
18 teaching approaches and organizational purposes, they should ascribe to a common set of

19 professional standards for the benefit of the students they serve. Compliance with such standards
20 can assure the public that individuals who serve students with specific learning disabilities in
21 public schools are prepared to implement scientifically based and clinically proven practices;

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

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

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

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

44 developmental aphasia;

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

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

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

56 (1) ~~Ensuring that all students receive the necessary and appropriate screenings,~~
57 ~~evaluations and early assessments for specific learning disabilities, including dyslexia and~~
58 ~~dyscalculia~~ Adopt and make publicly available guidelines for literacy screening and a list of
59 approved literacy screening instruments that efficiently, validly, and reliably assess academic risk
60 in reading for students K-2. These guidelines and screening instruments must be based on
61 contemporary research regarding dyslexia, including IDA recommendations, and should function
62 as adequate predictors of future reading performance.

63 (2) ~~Ensuring that any Individualized Education Program regarding specific learning~~
64 ~~disabilities, including dyslexia or dyscalculia, which is developed or implemented, is consistent~~
65 ~~with the provisions of this section; and~~ Provide a standardized literacy screening instrument or
66 instruments that meet the adopted guidelines to each Local Educational Agency (LEA) to assess
67 each K-2 student three times per year, unless the LEA chooses to utilize its own screening
68 instrument or instruments that meet the adopted guidelines.

69 ~~(3) Providing ongoing information and education to parents regarding specific learning~~
70 ~~disabilities, including dyslexia and dyscalculia, and the services available to students with such~~
71 ~~disabilities~~ Adopt and make publicly available guidelines for including dyslexia diagnostic
72 evaluation components in comprehensive assessments for special education and related
73 services. These guidelines shall (A) recommend at least one person on each multidisciplinary
74 evaluation team be knowledgeable about dyslexia and be able to recognize when a dyslexia
75 diagnostic component should be requested in the evaluation process, (B) recommend that a
76 diagnosis of dyslexia be given when the data from the comprehensive evaluation components
77 indicate such a diagnosis is appropriate, (C) include recommendations for how to document a
78 dyslexia diagnosis in an IEP, and (D) include that a Section 504 Plan be considered if a student
79 has a dyslexia diagnosis but does not qualify for special education services.

80 (4) Adopt and make publicly available a list of approved diagnostic assessment
81 components that can be used to help identify and diagnose dyslexia during comprehensive
82 multidisciplinary evaluations.

83 (5) Adopt and make publicly available guidelines and a list of resources for intervention
84 practices that are evidence-based, including practices consistent with the Science of Reading and
85 Structured Literacy, and that are explicit, direct, sequential, systematic, and multisensory.

86 (6) Adopt and make publicly available a list of recommended accommodations and
87 instructional practices to be used with students who exhibit signs of dyslexia or have been
88 diagnosed with dyslexia. These must reflect contemporary research and guidelines of the Science
89 of Reading related to dyslexia. These recommendations must include, but are not limited to,
90 structured literacy approaches that are explicit, direct, sequential, systematic, and multisensory.

91 (7) Adopt and make publicly available a list of available professional development
92 resources that support evidence-based intervention for struggling readers, including the Science
93 of Reading and Structured Literacy. This list will be made publicly available and include resources

94 endorsed or espoused by technical assistance centers, research organizations, and professional
95 associations that support the Science of Reading and Structured Literacy regarding dyslexia,
96 including the International Dyslexia Association. The WVDE is encouraged to create online
97 training modules that can be used for various levels and roles in education, including a module or
98 modules on the possible signs of dyslexia and how dyslexia can impact all levels of education.

99 (8) Develop and make publicly available informational materials related to dyslexia for
100 parents and guardians that include information about the multidisciplinary evaluation process.
101 This should be updated regularly.

102 (9) By the 2024-2025 school year, reimburse the cost of training for at least one certified
103 Reading Specialist in each LEA, or one or more other appropriate professionals designated by
104 relevant LEA leadership, to be properly trained in appropriate interventions, accommodations, and
105 instructional strategies for students with dyslexia or a related disorder. The trained individual(s)
106 shall serve as an advisor and trainer for dyslexia and related disorders for the LEA. The reading
107 specialist(s) or other designated professional(s) shall have an understanding of the definition of
108 dyslexia and a working knowledge of (A) techniques to help a student on the continuum of skills
109 with dyslexia; (B) dyslexia characteristics that may manifest at different ages and severity levels;
110 (C) the basic foundation of the keys to reading, including multisensory, explicit, systematic, and
111 structured literacy instruction; and (D) appropriate interventions, accommodations, and assistive
112 technology supports for students with dyslexia.

113 (d) The LEA is required to:

114 (1) Develop a system for parents and guardians to annually receive digital and print
115 informational materials related to dyslexia.

116 (2) Screen every K-2 student three times a year using a literacy screening instrument or
117 instruments approved by WVDE

118 (3) Ensure at least one educator at each school is trained to administer, score, and

119 interpret the data from the literacy screening instrument or instruments, and to recognize signs of
120 dyslexia.

121 (4) Notify parents of the results of these literacy screeners while emphasizing that not all
122 students who perform poorly on these screening instruments have, or will develop, dyslexia. Also,
123 not all students with dyslexia will perform poorly on the screeners.

124 (5) Provide evidence-based reading intervention to students who exhibit academic risk in
125 future reading performance, including indicators of dyslexia.

126 (6) Conduct comprehensive assessments to determine eligibility for special education
127 services when a child does not respond or only minimally responds to intervention strategies
128 and/or when there is a suspected disability of dyslexia. If a determination is made through the
129 evaluation process that a student needs assessed for 90-urfedyslexia, provide assessment and
130 diagnosis as necessary per WVDE guidelines.

131 (7) Employ appropriate accommodations and instructional practices recommended by the
132 WVDE based upon the students' needs. When those needs are related to dyslexia, these
133 accommodations and instructional techniques or strategies must also meet the WVDE-approved
134 guidelines for dyslexia accommodations and instructional practices.

135 (8) Require all elementary educators, special educators, reading interventionists or
136 specialists, and other personnel determined appropriate by the LEA to annually receive at least
137 one hour of professional development on the possible signs of dyslexia and the related classroom
138 accommodations and instructional practices approved by the WVDE.

139 (9) Administer a literacy screening instrument or instruments to students in grades 3-5 who
140 transfer from an LEA where literacy screening instruments were not administered. If the literacy
141 screening instrument indicates a deficit in reading, the school will provide intervention according to
142 current policy. If a student does not respond or only minimally responds to intervention, a referral
143 for multidisciplinary evaluation will be made.

144 (10) If a student in grades 3-12 is reading substantially below grade level according to
145 formal and/or informal assessments, including benchmark assessments, and has never been
146 evaluated for special education, a request can be made by a school, parent, or teacher for the
147 administration of an age- or grade-appropriate WVDE-approved literacy screening instrument or
148 instruments. These points of data can be used to either start intervention and progress monitoring
149 per WVDE guidance, or make a referral for a special education evaluation.

150 (11) At least one certified Reading Specialist in each LEA, or another appropriate
151 professional designated by relevant LEA leadership, shall be offered the opportunity to be
152 appropriately trained in appropriate interventions, accommodations, and instructional strategies
153 for students with dyslexia or a related disorder. The trained individual(s) shall serve as an advisor
154 and trainer for dyslexia and related disorders for the LEA. The reading specialist(s) or other
155 designated professional(s) shall have an understanding of the definition of dyslexia and a working
156 knowledge of (A) techniques to help a student on the continuum of skills with dyslexia; (B) dyslexia
157 characteristics that may manifest at different ages and levels; (C) the basic foundation of the keys
158 to reading, including multisensory, explicit, systematic, and structured literacy instruction; and (D)
159 appropriate interventions, accommodations, and assistive technology supports for students with
160 dyslexia.

NOTE: The purpose of this bill is to establish requirements for the state board and LEAs to appropriately screen for dyslexia and support students with dyslexia in the school system.

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