

2020 Regular Session

HOUSE BILL NO. 391

BY REPRESENTATIVE MARINO

STUDENTS: Provides for screening, diagnosis, and intervention with respect to students with dyslexia

1 AN ACT

2 To amend and reenact R.S. 17:392.1(D) and 2112(Section heading), to enact Part VI-B of
3 Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of
4 R.S. 17:392.11 and 392.12, and to repeal R.S. 17:7(11), 24.11, 392.1(B)(2)(a) and
5 (3), 392.2, and 2112(A)(2) and (B), relative to screening and intervention for
6 students; to provide relative to dyslexia, including screening, diagnosis, and
7 intervention; to require the State Board of Elementary and Secondary Education to
8 adopt related rules; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:392.1(D) and 2112(Section heading) are hereby amended and
11 reenacted and Part VI-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 17:392.11 and 392.12, is hereby enacted to read as follows:

13 §392.1. Screening and intervention; purpose; applicability; city and parish school
14 system, duties

15 * * *

16 D. Children in need of services ~~and/or~~ or assistance shall have it provided
17 to them. ~~Services for disorders shall be provided in accordance with R.S. 17:7(11).~~
18 Children who are referred for further evaluation shall be provided further evaluation
19 in accordance with Chapter 8 of this Title. ~~Children who are in need of assistance~~
20 ~~shall have it provided to them in accordance with this Part.~~

21 * * *

1 PART VI-B. DYSLEXIA2 §392.11. Dyslexia; screening, diagnosis, and intervention3 A. The legislature finds that:4 (1) Dyslexia is the most common and most studied of the learning
5 disabilities, affecting eighty percent of children identified as learning disabled.6 (2) Dyslexia is highly prevalent and persistent, affecting as many as one out
7 of five individuals, from all racial and ethnic groups.8 (3) Research shows that there is an achievement gap in reading between
9 typical and dyslexic readers present in the first grade.10 (4) In typical readers, development of reading and intelligence quotient are
11 dynamically linked over time. In dyslexic readers, reading achievement is
12 significantly below what would be expected given the individual's intelligence
13 quotient. The discrepancy between reading achievement and intelligence quotient
14 provides empirical evidence for the seeming paradox between cognition and reading
15 in those with dyslexia, and this discrepancy is now recognized as an unexpected
16 difficulty in reading.17 (5) Early screening by a qualified screening program, specific to dyslexia,
18 to ensure an early diagnosis of dyslexia is critical for ensuring that individuals with
19 dyslexia receive focused, evidence-based intervention that leads to fluent reading,
20 promotion of self awareness and self-empowerment, and the provision of necessary
21 accommodations so as to ensure school and life success.22 B. As used in this Section:23 (1) "Dyslexia" means an unexpected difficulty in reading for an individual
24 who has the intelligence to be a much better reader, most commonly caused by a
25 difficulty in phonological processing, which affects the ability of an individual to
26 speak, read, and spell.27 (2) "Phonological processing" means the appreciation of the individual
28 sounds of spoken language.

1 C.(1) A dyslexia screening program shall be administered to each student by
2 a classroom teacher in the second half of kindergarten or upon request of a teacher
3 or a parent or legal guardian. This program shall not be a progress monitoring tool
4 but shall:

5 (a) Use a screener developed solely for dyslexia.

6 (b) Be evidence-based with proven, published psychometric validity.

7 (c) Be used for the sole purpose of determining a student's at-risk status for
8 dyslexia.

9 (2) If the results of such screening indicate that a student is at risk for
10 dyslexia, then the school, in order to determine whether he has dyslexia, shall
11 determine through history, observation, and psychometric assessment if there are
12 unexpected difficulties in reading and associated linguistic problems at the level of
13 phonological processing that are unrelated to the student's intelligence, age, and
14 grade level.

15 (3) The core assessment for the diagnosis of dyslexia shall not be based on
16 a single test score or specific number of characteristics and shall include all of the
17 following:

18 (a) Tests of language, particularly phonology; reading, including real and
19 pseudowords; reading fluency; spelling; and intellectual ability.

20 (b) An academic performance review.

21 (c) An interview with the student's parent or legal guardian.

22 D. For students identified as dyslexic, intervention programs shall be
23 evidence-based and do all of the following:

24 (1) Provide systematic instruction in phonemic awareness, phonics, fluency,
25 vocabulary, and comprehension strategies.

26 (2) Provide ample opportunities for writing, reading, and discussing
27 literature.

28 (3) Be delivered with sufficient intensity and duration.

1 E. The State Board of Elementary and Secondary Education shall promulgate
2 rules to implement the provisions of this Section in accordance with the
3 Administrative Procedure Act.

4 §392.12. Dyslexia practitioner; dyslexia therapist; ancillary certificates

5 A. The State Board of Elementary and Secondary Education shall develop
6 the criteria whereby a teacher may be issued a dyslexia practitioner ancillary
7 certificate or a dyslexia therapist ancillary certificate.

8 B. In addition to any other criteria established by the board, in order to be
9 issued an ancillary certificate pursuant to this Section, a teacher shall:

10 (1) Hold a valid Louisiana teaching certificate.

11 (2) Demonstrate completion of a multisensory structured language training
12 program accredited by a nationally recognized accrediting organization, which shall
13 include:

14 (a) For the dyslexia practitioner ancillary certificate, forty-five hours of
15 coursework and sixty hours of clinical work that is observed and monitored by a
16 qualified professional.

17 (b) For the dyslexia therapist ancillary certificate, two hundred hours of
18 coursework and seven hundred hours of clinical work that is observed and monitored
19 by a qualified professional.

20 (3) Pass a multisensory structured language education-related competency
21 examination that is administered by a nationally recognized professional
22 organization that issues national certifications.

23 C. The board shall promulgate rules to implement the provisions of this
24 Section in accordance with the Administrative Procedure Act.

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26 §2112. Testing pupils' sight and hearing; ~~testing for dyslexia~~; notice to parent or
27 tutor; report to state superintendent

28 * * *

1 Section 2. R.S. 17:7(11), 24.11, 392.1(B)(2)(a) and (3), 392.2, and 2112(A)(2) and
2 (B) are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 391 Original

2020 Regular Session

Marino

Abstract: Revises laws relative to dyslexia for the purposes of screening, diagnosing, and providing intervention for students.

Dyslexia generally

Present law, relative to dyslexia, provides the following:

- (1) Requires the State Bd. of Elementary and Secondary Education (BESE) to adopt a program for testing students for dyslexia and related disorders and requires school boards to provide remediation for dyslexic students in accordance with the program.
- (2) Requires every child in grades K-3 to be screened at least once for dyslexia.
- (3) Requires a student to be referred for dyslexia testing upon request of a parent, student, school nurse, classroom teacher, or other school personnel.
- (4) Provides for implementation of a pilot program relative to dyslexia screening.
- (5) Provides two definitions of dyslexia for various present law purposes.

Proposed law repeals present law and provides the following relative to dyslexia:

Definitions

Proposed law defines "dyslexia" as an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, which affects the ability of an individual to speak, read, and spell. Defines "phonological processing" as meaning the appreciation of the individual sounds of spoken language.

Screening

Proposed law requires a dyslexia screening program to be administered to each student by a classroom teacher in the second half of kindergarten or at any time it is requested by a teacher or a parent or guardian. Prohibits the program from being a progress monitoring tool and requires that it use a screener developed solely for dyslexia; be evidence-based with proven, published psychometric validity; and be used for the purpose of determining a student's at-risk status for dyslexia.

Diagnosis

Proposed law, relative to diagnosis, provides the following:

- (1) Provides that if screening results indicate that a student is at risk for dyslexia, the school, in order to determine whether he has dyslexia, shall determine through

- history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level.
- (2) Prohibits the core assessment for the diagnosis of dyslexia from being based on a single test score or specific number of characteristics and requires that it include the following:
- (a) Tests of language, particularly phonology; reading, including real and pseudowords; reading fluency; spelling; and intellectual ability.
 - (b) An academic performance review.
 - (c) A parental interview.

Intervention

Proposed law requires that for students identified as dyslexic, intervention programs shall be evidence-based and shall provide systematic instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension strategies; provide ample opportunities for writing, reading, and discussing literature; and be delivered with sufficient intensity and duration.

Rules

Proposed law requires BESE to promulgate rules to implement proposed law provisions in accordance with the Administrative Procedure Act.

Ancillary certification for dyslexia practitioners and therapists

Present law provides for the issuance of an ancillary certificate to a teacher for service as a dyslexia practitioner or dyslexia therapist. Proposed law retains present law but recodifies it for purposes of statutory organization.

(Amends R.S. 17:392.1(D) and 2112(Section heading); Adds R.S. 17:392.11 and 392.12; Repeals R.S. 17:7(11), 24.11, 392.1(B)(2)(a) and (3), 392.2, and 2112(A)(2) and (B))