

SENATE BILL No. 217

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-35-4-13; IC 20-35.5.

Synopsis: Dyslexia. Requires the following: (1) A school multidisciplinary team must include information about dyslexia in a student's educational evaluation if the multidisciplinary team determines that the student is eligible to receive special education and related services and has or has characteristics of dyslexia. (2) Information about dyslexia must be: (A) discussed by the student's case conference committee if information about dyslexia is included in the student's education evaluation; and (B) included in the student's individualized education program if the case conference committee determines that the information should be included. Requires school corporations and charter schools to screen: (1) each student in kindergarten, grade 1, and grade 2; and (2) certain other students. Establishes requirements regarding dyslexia screenings, notifications to parents, and dyslexia intervention services (including instructional approaches). Requires school corporations and charter schools to: (1) use the response to intervention process to address needs of students who are determined to have characteristics of dyslexia; and (2) obtain parental consent before administering a level I dyslexia screening or a level II dyslexia screening. Allows a student's parent to elect to have an independent comprehensive dyslexia evaluation of the student. Requires school corporations and charter schools to report annually to the department of education (department) regarding the number of students who were: (1) administered the initial dyslexia screening during the school year; and (2) determined to be at risk, or at some risk, for dyslexia. Requires a school corporation and charter school to report on the school corporation's or charter school's Internet web site certain
(Continued next page)

Effective: July 1, 2018.

Houchin, Bray, Ford

January 3, 2018, read first time and referred to Committee on Education and Career Development.



Digest Continued

information regarding dyslexia. Requires, not later than July 1, 2019, the department to employ at least three dyslexia specialists. Establishes the: (1) requirements for a dyslexia specialist; and (2) services the dyslexia specialist is required to provide. Requires, not later than the 2019-2020 school year, each school corporation and charter school to employ at least one individual to serve as a dyslexia interventionist for the school corporation or charter school. Requires, not later than the 2019-2020 school year, the department to ensure that each teacher receives professional awareness information on dyslexia. Requires the department to develop and update an Indiana dyslexia resource guide.



Introduced

Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 217

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-35-4-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 13. (a) Unless provided otherwise under federal law,**
4 **if a school's multidisciplinary team determines that a student:**
5 **(1) is eligible to receive special education and related services;**
6 **and**
7 **(2) has or has characteristics of the specific learning disability**
8 **of dyslexia;**
9 **the multidisciplinary team shall include information about dyslexia**
10 **in the educational evaluation of the student.**
11 **(b) If information about dyslexia is included in a student's**
12 **educational evaluation, information about dyslexia must be:**
13 **(1) discussed by the student's case conference committee; and**
14 **(2) included in the student's individualized education program**
15 **if the case conference committee determines that the**



1 **information should be included.**

2 SECTION 2. IC 20-35.5 IS ADDED TO THE INDIANA CODE AS
3 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
4 2018]:

5 **ARTICLE 35.5. DYSLEXIA SCREENING AND**
6 **INTERVENTION**

7 **Chapter 1. Definitions**

8 **Sec. 1. The definitions used in this chapter apply throughout this**
9 **article.**

10 **Sec. 2. (a) "Dyslexia interventionist" means an employee of a**
11 **school corporation or public school, including a charter school,**
12 **who has successfully completed training in a dyslexia program**
13 **approved by the department.**

14 **(b) The term includes a:**

15 **(1) dyslexia therapist;**

16 **(2) dyslexia specialist;**

17 **(3) teacher who has successfully completed the training**
18 **described in subsection (a); and**

19 **(4) tutor or paraprofessional working under the supervision**
20 **of a teacher described in subdivision (3).**

21 **Sec. 3. "Dyslexia program" means explicit, direct instruction**
22 **that is:**

23 **(1) systematic, sequential, and cumulative and follows a**
24 **logical plan of presenting the alphabetic principle that targets**
25 **the specific needs of a student without presuming prior skills**
26 **or knowledge of the student;**

27 **(2) multisensory and research based; and**

28 **(3) offered in a small group setting to teach a student the**
29 **components of reading instruction, including:**

30 **(A) phonemic awareness to enable a student to detect,**
31 **segment, blend, and manipulate sounds in spoken**
32 **language;**

33 **(B) graphophonemic knowledge for teaching the letter**
34 **sound plan of English;**

35 **(C) the structure of the English language that includes**
36 **morphology, semantics, syntax, and pragmatics;**

37 **(D) linguistic instruction directed toward proficiency and**
38 **fluency with the patterns of language so that words and**
39 **sentences are carriers of meaning; and**

40 **(E) strategies that a student uses for decoding, encoding,**
41 **word recognition, fluency, and comprehension.**

42 **Sec. 4. "Dyslexia specialist" means a professional who:**



1 (1) has expertise in and either has or is working toward an
2 endorsement or certification, as determined by the
3 department, in providing training for:

- 4 (A) phonological and phonemic awareness;
5 (B) sound and symbol relationships;
6 (C) alphabet knowledge;
7 (D) decoding skills;
8 (E) rapid naming skills; and
9 (F) encoding skills; and

10 (2) is fluent in the response to intervention process.

11 Sec. 5. "Dyslexia therapist" means a professional who has
12 successfully completed training in dyslexia therapy from a dyslexia
13 therapy training program approved by the department.

14 Sec. 6. "Dyslexia therapy" means an appropriate specialized
15 reading instructional program specifically designed for use in a
16 dyslexia program.

17 Sec. 7. "Level I dyslexia screening" means a process for
18 gathering additional information to determine if characteristics of
19 dyslexia are present.

20 Sec. 8. "Level II dyslexia screening" means a detailed process
21 for identifying a pattern of strengths and weaknesses documenting
22 the characteristics of dyslexia and includes the administration of
23 diagnostic tools designed to measure the underlying cause,
24 characteristics, and outcomes to identify the characteristics of
25 dyslexia.

26 **Chapter 2. Required Screening and Intervention**

27 Sec. 1. Subject to section 9 of this chapter, a school corporation
28 and charter school shall screen, using the dynamic indicators of
29 basic early literacy skills or an equivalent dyslexia screener, the
30 following for dyslexia:

- 31 (1) Each student in kindergarten, grade 1, and grade 2.
32 (2) Any other student required by the department in
33 accordance with section 6 of this chapter.

34 Sec. 2. The screening of students shall include the following:

- 35 (1) Phonological and phonemic awareness.
36 (2) Sound symbol recognition.
37 (3) Alphabet knowledge.
38 (4) Decoding skills.
39 (5) Rapid naming skills.
40 (6) Encoding skills.

41 Sec. 3. Subject to section 9 of this chapter, if a student is
42 determined to be at risk, or at some risk, for dyslexia after a



1 screening under section 1 of this chapter, the school corporation or
 2 charter school shall administer a level I dyslexia screening of the
 3 student.

4 Sec. 4. (a) Subject to section 9 of this chapter, if a school
 5 corporation or charter school determines that a level II dyslexia
 6 screening should be administered, the school corporation or
 7 charter school may administer a level II dyslexia screening to the
 8 student.

9 (b) A level II dyslexia screening shall be completed consistent
 10 with the Indiana dyslexia resource guide described in
 11 IC 20-35.5-7-2.

12 Sec. 5. The level I dyslexia screening and the level II dyslexia
 13 screening of a student must include the components listed in section
 14 2 of this chapter.

15 Sec. 6. The department shall adopt rules to ensure that students
 16 will be screened using dynamic indicators of basic early literacy
 17 skills or an equivalent dyslexia screener:

- 18 (1) in kindergarten, grade 1, and grade 2;
- 19 (2) when a student in kindergarten through grade 2:
 - 20 (A) transfers to a new school; and
 - 21 (B) has not been screened previously during the school
 - 22 year;
- 23 (3) when a student in grade 3 or higher has difficulty, as noted
 24 by a classroom teacher, in:
 - 25 (A) phonological and phonemic awareness;
 - 26 (B) sound symbol recognition;
 - 27 (C) alphabet knowledge;
 - 28 (D) decoding skills;
 - 29 (E) rapid naming skills; and
 - 30 (F) encoding skills; and
- 31 (4) when a student from another state enrolls for the first time
 32 in kindergarten through grade 2 in Indiana unless the student
 33 presents documentation that the student:
 - 34 (A) had the dyslexia screening or a similar screening
 - 35 during the school year; or
 - 36 (B) is exempt from screening.

37 Sec. 7. If an initial dyslexia screening, level I dyslexia screening,
 38 or level II dyslexia screening indicates that a student has
 39 characteristics of dyslexia, the school corporation or charter school
 40 shall use the response to intervention process to address the needs
 41 of the student.

42 Sec. 8. If the school corporation or charter school determines



1 that the student has functional difficulties in the academic
 2 environment due to characteristics of dyslexia, the necessary
 3 accommodations or equipment for the student shall be provided in
 4 accordance with:

5 (1) Section 504 of the federal Rehabilitation Act of 1973 (29
 6 U.S.C. 701 et. seq.), as amended; and

7 (2) the federal Americans with Disabilities Act (42 U.S.C.
 8 12101 et. seq.) and the regulations and amendments related to
 9 that act.

10 **Sec. 9. (a)** A school corporation or charter school is not required
 11 to administer an initial dyslexia screening to a student if the parent
 12 of the student objects to the screening.

13 (b) Before a school corporation or charter school administers a
 14 level I dyslexia screening or level II dyslexia screening to a student,
 15 the parent of the student must consent to the screening.

16 (c) If a parent objects to an initial dyslexia screening or does not
 17 consent to a level I dyslexia screening or level II dyslexia screening,
 18 the school corporation or charter school may not administer the
 19 initial dyslexia screening, level I dyslexia screening, or level II
 20 dyslexia screening, whichever is applicable, to the student.

21 **Chapter 3. Notification and Services**

22 **Sec. 1. (a)** If a student's performance on an initial dyslexia
 23 screening, level I dyslexia screening, or level II dyslexia screening
 24 under IC 20-35.5-2 indicates a need for dyslexia intervention
 25 services, the school corporation or the charter school shall do the
 26 following:

27 (1) Notify the student's parent of the results of the dyslexia
 28 screening.

29 (2) Provide the student's parent with information and
 30 resource material that includes the following:

31 (A) Characteristics of dyslexia.

32 (B) Appropriate classroom interventions and
 33 accommodations for students with dyslexia.

34 (C) A statement that the parent may elect to have the
 35 student receive an independent comprehensive dyslexia
 36 evaluation by:

37 (i) a licensed psychologist;

38 (ii) a certified dyslexia testing specialist;

39 (iii) a dyslexia therapist; or

40 (iv) any other person approved by the department.

41 (b) A school corporation or charter school is required to provide
 42 the information to a student's parent under this section only one (1)



1 time.

2 **Sec. 2. (a) If a student's parent elects to have an independent**
 3 **comprehensive dyslexia evaluation of the student, the parent shall**
 4 **select an individual qualified under section 1(a)(2)(C) of this**
 5 **chapter to perform the evaluation. A parent is responsible for**
 6 **paying the cost of an independent comprehensive dyslexia**
 7 **evaluation.**

8 **(b) A school corporation or charter school shall:**

9 **(1) consider a diagnosis from an independent comprehensive**
 10 **dyslexia evaluation; and**

11 **(2) provide the student with interventions determined to be**
 12 **appropriate by a dyslexia interventionist of the school**
 13 **corporation or charter school.**

14 **Chapter 4. Instructional Approaches**

15 **Sec. 1. If a student's level I dyslexia screening or level II dyslexia**
 16 **screening indicates the need for dyslexia intervention services for**
 17 **the student, the dyslexia intervention:**

18 **(1) must include:**

19 **(A) explicit, direct instruction that is systematic,**
 20 **sequential, and cumulative and follows a logical plan of**
 21 **presenting the alphabetic principle that targets the specific**
 22 **needs of the student without presuming prior skills or**
 23 **knowledge of the student;**

24 **(B) individualized instruction to meet the specific needs of**
 25 **the student in a small group setting that uses intensive,**
 26 **highly concentrated instruction methods and materials**
 27 **that maximize student engagement;**

28 **(C) meaning based instruction directed at purposeful**
 29 **reading and writing with an emphasis on comprehension**
 30 **and composition; and**

31 **(D) multisensory instruction that incorporates the**
 32 **simultaneous use of two (2) or more sensory pathways**
 33 **during teacher presentations and student practice; and**

34 **(2) may include other instructional approaches as determined**
 35 **appropriate by the school corporation or charter school.**

36 **Sec. 2. Until a sufficient number of candidates have successfully**
 37 **completed training in a dyslexia therapy program, as determined**
 38 **by the department, an individual may provide dyslexia therapy**
 39 **under this article if the individual has successfully completed**
 40 **training from another dyslexia program as approved by the**
 41 **department.**

42 **Chapter 5. Reporting by School Corporations and Charter**



1 **Schools**

2 **Sec. 1. The superintendent of a school corporation and an**
 3 **organizer of a charter school shall annually report to the**
 4 **department the number of students who were:**

5 (1) administered an initial dyslexia screening during the
 6 school year; and

7 (2) determined to be at risk, or at some risk, for dyslexia.

8 **Sec. 2. Before July 15, 2019, and before July 15 of each year**
 9 **thereafter, each school corporation and charter school shall report**
 10 **on the school corporation's or charter school's Internet web site**
 11 **the following information:**

12 (1) The dyslexia intervention programs that were used during
 13 the previous school year to assist students with dyslexia.

14 (2) The number of students during the previous school year
 15 who received dyslexia intervention under this article.

16 (3) The total number of students identified with dyslexia
 17 during the previous school year.

18 **Chapter 6. Dyslexia Specialists and Dyslexia Interventionists**

19 **Sec. 1. (a) Not later than July 1, 2019, the department shall**
 20 **employ at least three (3) dyslexia specialists with a minimum of**
 21 **three (3) years of field experience in screening, identifying, and**
 22 **treating dyslexia and related disorders to provide the following:**

23 (1) Technical assistance for dyslexia and related disorders to:

24 (A) the department; and

25 (B) school corporations and charter schools in Indiana.

26 (2) Training to school corporation and charter school
 27 employees in:

28 (A) administering screenings;

29 (B) analyzing and interpreting screening data; and

30 (C) determining appropriate interventions that are
 31 systematic, multisensory, and evidence based.

32 (b) A dyslexia specialist shall:

33 (1) be highly trained in dyslexia and related disorders,
 34 including best practice interventions and treatment models
 35 for dyslexia;

36 (2) be responsible for:

37 (A) the accountability of screening results; and

38 (B) ensuring that all teachers working for the school
 39 corporations and charter schools receive the professional
 40 awareness information as required under IC 20-35.5-7-1;

41 and

42 (3) serve as the primary source of information and support



- 1 for school corporations and charter schools in addressing the
2 needs of students with dyslexia and related disorders.
- 3 **Sec. 2. (a)** Not later than the 2019-2020 school year, each school
4 corporation and charter school shall employ at least one (1)
5 individual to serve as a dyslexia interventionist for the school
6 corporation or charter school.
- 7 (b) If one (1) or more school corporations, charter schools, or
8 both form a special education cooperative as provided under
9 IC 20-35-5, the school corporations and charter schools may
10 employ one (1) or more individuals to serve as dyslexia
11 interventionists for the school corporations and charter schools
12 participating in the special education cooperative.
- 13 **Chapter 7. Dyslexia Professional Awareness and Resource**
14 **Guide**
- 15 **Sec. 1. (a)** Not later than the 2019-2020 school year, the
16 department shall ensure that each teacher receives professional
17 awareness information on the following:
- 18 (1) The characteristics of dyslexia.
19 (2) The evidence based interventions and accommodations for
20 dyslexia.
- 21 (b) The department may provide the information described in
22 subsection (a) in a presentation online or in person.
- 23 **Sec. 2.** The department shall:
- 24 (1) develop and update an Indiana dyslexia resource guide;
25 and
26 (2) post the guide on the department's Internet web site.
- 27 **Sec. 3.** The state board shall, in collaboration with the
28 department, adopt rules under IC 4-22-2 to implement this article.

