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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 436\*  
133<sup>rd</sup> General Assembly

## Bill Analysis

[Click here for H.B. 436's Fiscal Note](#)

**Version:** As Reported by House Health

**Primary Sponsor:** Rep. Baldrige

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### SUMMARY

- Requires the Department of Education, in collaboration with the International Dyslexia Association in Ohio, to establish the Ohio Dyslexia Committee (ODC).
- Requires the Department, in collaboration with the ODC, to develop and update a Dyslexia Guidebook for screening, intervention, and remediation for children with dyslexia or displaying dyslexic characteristics and tendencies.
- Requires the Department to provide structured literacy program professional development for teachers in dyslexia screening and intervention practices.
- Requires the Department, in collaboration with the ODC, to identify “reliable, universal, and evidence-based” screening and intervention measures that evaluate the literacy skills of students enrolled in grades K-5 using a structured literacy program.
- Requires school districts and other public schools (community schools, STEM schools, and college-preparatory boarding schools) to administer annual dyslexia screenings.
- Requires each teacher employed by a school district or other public school who provides instruction for students in grades K-1 and those providing special education instruction for students in grades 4-12 to complete a professional development course by the beginning of the 2020-2021 school year.
- Requires each school district and all other public schools, beginning in the 2020-2021 school year, to establish a structured literacy certification process for teachers employed by the district or school providing instruction in grades K-3.

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\* This analysis was prepared before the report of the House Health Committee appeared in the House Journal. Note that the legislative history may be incomplete.

- Requires each district and all other public schools to have at least one teacher per every 200 (1:200) students in grades K-3 certified under the structured literacy certification process by the end of the 2022-2023 school year, 1:150 by the end of the 2023-2024 school year, and 1:100 by the end of the 2024-2025 school year.

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## **DETAILED ANALYSIS**

### **Ohio Dyslexia Committee**

The bill requires the Department of Education, in collaboration with the International Dyslexia Association in Ohio, to establish the Ohio Dyslexia Committee (ODC), to consist of six members, three each appointed by the Department and the Association. Each member appointed by the Department must be employed by the Department, a school district, or an educational service center. All appointments must be completed by January 31, 2020, and members then must elect a chairperson.<sup>1</sup> See **COMMENT**.

### **Dyslexia Guidebook**

The Department, in collaboration with the ODC, must develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation using a structured literacy program for children with dyslexia or children displaying dyslexic characteristics and tendencies. The guidebook must be developed by June 30, 2020, and updated as necessary.<sup>2</sup> See **COMMENT**.

#### **Guidebook components**

The guidebook must include the following:

1. A list of screening and intervention measures identified by the Department and the ODC that evaluate the literacy skills of students in grades K-5;
2. A method for determining if a student is at risk of dyslexia based on the student's performance on a tier one screening measure;
3. A method for determining if an at-risk student is making significant progress in attaining grade-level reading and writing skills prior to the administration of a tier two screening measure;
4. Criteria for a multidisciplinary team established by a school district or other public school to administer screening and intervention measures and analyze the results of the measures. The criteria must include specific criteria for a stakeholder with expertise in the identification, intervention, and remediation of dyslexia.
5. Reporting timelines and content requirements for data that a district or school must submit to the Department regarding dyslexia screening, intervention, and remediation.

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<sup>1</sup> R.C. 3323.25(B) and (C).

<sup>2</sup> R.C. 3323.25(D).

The guidebook must require data to be submitted up to three times per year, depending on student grade levels.

6. Standards for structured literacy program professional development for teachers, which must include completion of a practicum; and
7. Standards for a structured literacy certification process for teachers providing instruction in grades K-3, which must include completion of a practicum.<sup>3</sup>

### **Related Department of Education duties**

The bill requires the Department, in collaboration with the ODC, to do the following by June 30, 2020:

1. Provide structured literacy program professional development for teachers in evidence-based dyslexia screening and intervention practices, which must include a practicum;
2. Assist school districts and other public schools in establishing multidisciplinary teams to support the identification, intervention, and remediation of dyslexia;
3. Develop reporting mechanisms for districts and schools to submit the required information and data to the Department; and

Develop academic standards for kindergarten in reading and writing that incorporates a structured literacy program. The bill further requires that kindergarten readiness assessment adopted by the State Board of Education be aligned with these standards.<sup>4</sup> See **COMMENT**.

### **Dyslexia screening and intervention measures**

The bill requires the Department, in collaboration with the ODC, to identify “reliable, universal, and evidence-based” screening and intervention measures that evaluate the literacy skills of students enrolled in grades K-5 using a structured literacy program. The measures must include the following:

1. For kindergarten students, tier one screening measures that must allow for collecting data using letter naming fluency, alphabetic principle and letter sound, phonological and phonemic awareness, speech and language, and a method for indicating whether a student’s family has a documented history of dyslexia or reading disability;
2. For first grade students, tier one screening measures that must allow for collecting data using alphabetic principle and nonsense word reading, phonological and phonemic awareness, word identification, and oral reading fluency;
3. For second grade students, tier one screening measures that must allow for collecting data using word identification, oral reading fluency, and reading comprehension;

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<sup>3</sup> R.C. 3323.25(D).

<sup>4</sup> R.C. 3301.079(D)(4) and 3323.25(E).

4. For students in grades K-5, tier one screening that must allow for collecting data using oral reading fluency and reading comprehension; and
5. For students in grades K-5, tier two screening measures that determine if a student demonstrates the markers of dyslexia.

For grades 1-5, each tier two screening measure must include (1) a method for indicating any familial history of reading difficulties, spelling difficulties, or attention-deficit hyperactivity disorder, (2) a method for indicating if a student has a history of speech and language difficulties, (3) diagnostic assessments for each grade that evaluate and allow for collecting data regarding phonological and phonemic awareness, phonological memory, and rapid automatic naming, and (4) listening comprehension for students in grades 2-3.<sup>5</sup>

### **Screening administration**

The bill requires public schools, beginning in the 2020-2021 school year, to do the following:

1. Administer a tier one screening measure to each student in grades K-5 by October 30 of each school year. A district or school additionally may administer a tier two screening measure to each student.
2. Report the results of the tier one screening measure to the student's parent or guardian within 60 days after administration of the measure;
3. Identify each student at risk of dyslexia based on the results of the tier one screening;
4. Monitor the progress of each at-risk student toward attaining grade-level reading and writing skills. The district or school must check each at-risk student's progress on at least the second, fourth, and sixth week after the student is identified as at risk. A district or school that previously administered the additional tier two screening measure is exempt from this requirement.
5. Administer a tier two screening measure to each at-risk student who does not show significant progress toward attaining grade-level reading and writing skills by the sixth week after the student is identified as at risk;
6. Report the results of the tier two screening measure to the student's parent or guardian within 30 days after the measure's administration. If the student is determined to be below the 20<sup>th</sup> percentile on the tier two screening measure, the student's parent or guardian must be provided with information about reading development, the risk factors for dyslexia, and descriptions for evidence-based interventions.
7. Provide a student's parent or guardian with a written explanation of the district's or school's structured literacy program if the student demonstrates markers for dyslexia.

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<sup>5</sup> R.C. 3323.25(F).

Each district and other public school must establish a multidisciplinary team to administer screening and intervention measures and analyze the results. Each team must include trained and certified personnel and a stakeholder with expertise in the identification, intervention, and remediation of dyslexia. The results of screening measures must be reported to the Department.<sup>6</sup>

### **Transfer student screening**

The bill also requires each district or other public school to administer a tier one dyslexia screening measure to each student that transfers into the district or school within 30 days after the student enrolls. If the student is identified as at risk, the district or school must administer a tier two screening measure in a timely manner.<sup>7</sup>

### **Professional development on instructing students with dyslexia**

The bill requires the Department, in collaboration with the ODC, to maintain a list of approved courses that fulfill the professional development requirements for public school teachers. The list may consist of online or classroom learning models. Each approved course must align with the Dyslexia Guidebook, be evidence-based, and require instruction and training for identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia. Teachers must complete at least 18 clock hours of instruction in an approved course to satisfy the professional development requirements.

The bill requires that each teacher employed by a school district or other public school providing instruction for students in grades K-1, including those providing special education, and those providing special education instruction for students in grades 4-12 must complete an approved professional development course by the beginning of the 2020-2021 school year.

Each teacher providing instruction for students in grades 2-3, including those providing special education instruction, must complete an approved professional development course by the beginning of the 2021-2022 school year.<sup>8</sup>

### **Structured literacy certification**

The bill requires each school district and all other public schools, beginning in the 2020-2021 school year, to establish a structured literacy certification process for teachers employed by the district or school providing instruction in grades K-3. Each certification process must align with the dyslexia guidebook and require completion of a practicum.

Each district and all other public schools must have at least one teacher per every 200 students (1:200) in grades K-3 certified under the structured literacy certification process

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<sup>6</sup> R.C. 3323.251. Applies to community schools, STEM schools, and college-preparatory boarding schools through references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>7</sup> R.C. 3323.251(B).

<sup>8</sup> R.C. 3319.077. Applies to community schools, STEM schools, and college-preparatory boarding schools through references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

by the end of the 2022-2023 school year, 1:150 by the end of the 2023-2024 school year, and 1:100 by the end of the 2024-2025 school year.<sup>9</sup>

## Pilot project repealed

The bill repeals and replaces with its provisions a former pilot project to test the delivery of early screening and intervention services for children with risk factors for dyslexia that operated until 2015.<sup>10</sup>

## Dyslexia defined

For purposes of the bill’s provisions, dyslexia is “a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person’s intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language.”<sup>11</sup> This is the same definition used for the former pilot project described just above.

Dyslexia is a condition for which a student may be entitled to special education and related services under existing state and federal law.<sup>12</sup>

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## COMMENT

The bill specifies implementation dates that have passed or likely will pass before it becomes effective. Therefore, it might need to be amended to specify later dates by which to implement the bill’s provisions.

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## HISTORY

Action	Date
Introduced	12-04-19
Reported, House Health	---

H0436-RH-133/ts

<sup>9</sup> R.C. 3319.078. Applies to community schools, STEM schools, and college-preparatory boarding schools through references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>10</sup> Section 3; repealed R.C. 3323.25, not in the bill.

<sup>11</sup> R.C. 3323.25(A)(1).

<sup>12</sup> R.C. 3323.01(A), not in the bill, and 20 United States Code 1401(3) and (30).