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H.B. 436
133rd General Assembly

Bill Analysis

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Version: As Reported by Senate Education

Primary Sponsor: Rep. Baldrige

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Corrected Version*

SUMMARY

Dyslexia screening, intervention, and remediation measures

- Requires the Department of Education to establish the Ohio Dyslexia Committee (ODC) consisting of 11 members appointed by specified appointing authorities.
- Permits the ODC to make recommendations regarding ratios for students to teachers who have received certification in identifying and addressing dyslexia, which school personnel should receive such certification, and whether professional development requirements should include completion of a practicum.
- 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, in collaboration with the ODC, to maintain a list of approved courses that fulfill the bill's professional development requirements.
- 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, valid, universal, and evidence-based" screening and intervention measures that evaluate the literacy skills of students enrolled in grades K-5 using a multi-sensory structured literacy program.

* "Corrects description of professional development and kindergarten reading and writing standards on p. 4 and updates bill history on p. 9 to reflect the date the bill was reported by the Senate Education Committee."

- Requires school districts and other public schools (community schools, STEM schools, and college-preparatory boarding schools) to administer annual dyslexia screenings, beginning in the 2022-2023 school year.
- Requires each teacher employed by a school district or other public school who provides instruction for students in grades K-1 and 2-3 to complete the required number of hours of professional development coursework by the beginning of the 2023-2024 and 2024-2025 school years, respectively.
- Requires each teacher employed by a district or other public school who provides special education instruction for students in grades 4-12 to complete an approved professional development course by the beginning of the 2025-2026 school year.
- Requires each school district and all other public schools, beginning in the 2022-2023 school year, to establish a multi-sensory structured literacy certification process for teachers employed by the district or school providing instruction in grades K-3.

Study of financial costs to implement dyslexia screening measures

- Requires the Department, by December 31, 2021, to submit a report to the General Assembly regarding the financial costs incurred by not more than four school districts, selected by the Department, that already have implemented dyslexia screening, identification, and remediation services similar those required by the bill.

Achievement assessment requirements for state scholarship students

- Clarifies that Educational Choice, Jon Peterson, and Pilot Project scholarship students are exempt from the achievement assessment requirements for scholarship renewal if the student meets specified requirements.

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DETAILED ANALYSIS

Ohio Dyslexia Committee

The bill requires the Department of Education to establish the Ohio Dyslexia Committee (ODC), consisting of the following 11 members:

1. A school district superintendent appointed by the Superintendent of Public Instruction;
2. An elementary school principal appointed by the state Superintendent;
3. An appropriately certified classroom teacher program, appointed by the state Superintendent, and at least two years of experience teaching in a multi-sensory structured literacy program;
4. An appropriately certified educational service center employee, appointed by the state Superintendent, with an appropriate certification;
5. An employee of the Department appointed by the state Superintendent;
6. A parent of a child with dyslexia or an adult with dyslexia appointed by the International Dyslexia Association in Ohio (IDA);
7. An appropriately certified individual with experience in higher education and teacher preparation programs appointed by the Chancellor of Higher Education;
8. An appropriately certified board member of the IDA, appointed by the IDA;
9. A school psychologist appointed by the state Superintendent;
10. An appropriately certified reading intervention specialist appointed by the state Superintendent;
11. An appropriately certified speech-language pathologist appointed by the State Speech and Hearing Professionals Board.¹

Each appointing authority must determine a selection process and make its appointment(s) within 30 days after the bill's effective date. An individual who is without required certification or experience may be appointed to the ODC if the appointing authority determines that the individual has sufficient experience. Members of the ODC serve at the pleasure of their appointing authority.

¹ R.C. 3323.25(B)(1).

The bill requires the state Superintendent to convene the first meeting of the ODC within 30 days after at least 9 members have been appointed. At the first meeting, members of the ODC must elect a chairperson. The Department must provide facilities for the meetings of the ODC.²

The bill permits the ODC to do any of the following:

1. Recommend appropriate ratios in school buildings for students to teachers who have received certification in identifying and addressing dyslexia;
2. Recommend which other school personnel, including school psychologists or speech-language pathologists, should receive certification in identifying and addressing dyslexia;
3. Consider and make recommendations regarding whether professional development required under the bill should require completion of the practicum.³

Dyslexia guidebook

The bill requires the ODC to develop a dyslexia 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, using a multi-sensory structured literacy program.

The guidebook must be developed by December 31, 2021. The ODC must provide an opportunity for public input when developing the guidebook. The guidebook must be developed and issued in an electronic format, but is subject to final approval by the State Board prior to distribution. After its initial development, the ODC may update the guidebook as necessary.⁴

Related Department of Education duties

The bill requires the Department, in collaboration with the ODC, to do the following by December 31, 2021:

1. Provide multi-sensory structured literacy program professional development for teachers in evidence-based dyslexia screening and intervention practices;
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;
4. Develop academic standards for kindergarten in reading and writing that incorporates a structured literacy program;

² R.C. 3323.25(B)(2) to (5).

³ R.C. 3323.25(F).

⁴ R.C. 3323.25(C).

5. Provide on the Department's website information about training for teachers about dyslexia that is available at minimal or no cost.⁵

Dyslexia screening and intervention measures

The bill requires the Department, in collaboration with the ODC, to identify "reliable, valid, universal, and evidence-based" screening and intervention measures that evaluate the literacy skills of students enrolled in grades K-5 using a multi-sensory structured literacy program.

Screening administration

The bill requires each school district and all other public schools, for the 2022-2023 school year, to administer a tier one screening measure to each student in grades K-3. Screening measures for kindergarten students must be administered between January 1, 2023, and January 1, 2024. Districts and schools also must administer a tier one screening measure to students in grades 4-6 upon the request of the student's parent, guardian, or custodian's or a classroom teacher, with the parent's, guardian's, or custodian's permission.⁶

Beginning with the 2023-2024 school year each district and other public school annually must administer a tier one dyslexia screening measure to each kindergarten student between January 1 of the school year in which the student is enrolled in kindergarten and January 1 of the following school year. Districts and schools also must administer a tier one screening measure to students enrolled in grades 1-6 upon the request of a student's parent, guardian, or custodian or a classroom teacher, with the parent's, guardian's, or custodian's permission.⁷

Districts and schools are permitted to administer a tier two dyslexia screening measure to students who have undergone a tier one screening measure. Districts and schools are then exempted from the requirement to monitor the progress of each at-risk student who receives a tier two screening measure (see below).

Districts and other public schools also must do the following:

1. Identify each student at risk of dyslexia based on the results of the tier one screening and notify the parent, guardian, or custodian that the student has been identified as being at risk;
2. 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 R.C. 3323.25(E).

⁶ R.C. 3323.251(A)(1).

⁷ R.C. 3323.251(A)(2).

3. 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;
4. 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 20th 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.
5. 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.⁸

School district and other public school duties

Each district and other public school also must do the following:

1. Comply with the dyslexia guidebook developed by the ODC;
2. Select screening and intervention measures to administer to students from the measures identified by the Department and ODC;
3. 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;
4. Report to the Department the results of screening measures administered by the district or school.⁹

Transfer student screening

The bill also requires each district or other public school, beginning in the 2022-2023 school year, to do the following:

1. Administer a tier one dyslexia screening measure to each kindergarten student that transfers into the district or school during the school's regularly scheduled screening of the kindergarten class or within 30 days after the student enrolls if that screening already has been completed;

Administer a tier one dyslexia screening measure to each student in grades 1-6 that transfers into the district or school within 30 days after the student's enrollment.

If the student is identified as at risk of dyslexia, the district or school must administer a tier two screening measure in a timely manner.¹⁰

⁸ R.C. 3323.251(A)(3) to (6).

⁹ R.C. 3323.251(C). 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.

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.

The ODC must prescribe a total number of clock hours of instruction in Department-approved courses that is between 6 and 18 hours, which teachers must complete to satisfy the bill's professional development requirements.¹¹

The bill requires each teacher employed by a school district or other public school providing instruction for students in grades K-1 and 2-3, including those providing special education, to complete the required number of instructional hours in approved professional development courses by the beginning of the 2023-2024 and 2024-2025 school years, respectively.

Each teacher providing special education instruction for students in grades 4-12 must complete an approved professional development course by the beginning of the 2025-2026 school year.¹²

The bill specifies that any professional development coursework completed by a teacher prior to the bill's effective date that is then included on the list of Department-approved courses counts toward the number of instructional hours in approved professional development courses required under the bill.¹³

Multi-sensory structured literacy certification

The bill requires each school district and all other public schools, beginning in the 2022-2023 school year, to establish a multi-sensory 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.¹⁴

¹⁰ R.C. 3323.251(B).

¹¹ R.C. 3319.077(B).

¹² R.C. 3319.077(C). 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.

¹³ R.C. 3319.077(D).

¹⁴ 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.

Study of financial costs for dyslexia screening measures

The bill requires the Department, to select no more than four school districts that already have implemented dyslexia screening, identification, and remediation services similar to those prescribed in the bill and analyze the financial costs incurred by the districts to implement those services. The Department is permitted to substitute one community school or chartered nonpublic school for one school district for purposes of the study.

The Department may request the assistance of any educational institution or association for information or data determined necessary to complete the study. To the extent possible, an institution or association must comply with the Department's request.

The Department then must submit a report and make recommendations to the General Assembly by December 31, 2021, regarding how to effectively address the costs of implementing dyslexia screening, identification, and remediation services. The Department may include in the report any other information or data that it determines appropriate.¹⁵

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 2015.¹⁶

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."¹⁷ 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.¹⁸

Achievement assessment requirements for state scholarship students

The bill clarifies that a student who participates in the Educational Choice Scholarship Pilot Program, Jon Peterson Special Needs Scholarship Program, or the Pilot Project Scholarship Program is exempt from the achievement assessment requirements for the scholarship renewal if one of the following applies:

¹⁵ Section 4 of the bill.

¹⁶ Section 3; repealed R.C. 3323.25, not in the bill.

¹⁷ R.C. 3323.25(A)(1).

¹⁸ R.C. 3323.01(A), not in the bill, and 20 United States Code 1401(3) and (30).

1. The student has a disability and is excused from the achievement assessment requirements under federal law, the student's individualized educational program, or a plan adopted by the chartered nonpublic school that the student attends;
2. The chartered nonpublic school that the student attends has received a waiver from administering assessments to all of its students because it meets specified criteria;
3. The student is in grades 3-8 and takes an alternative assessment approved by the Department;
4. The student is not required to take the ACT or SAT due to a significant cognitive or intellectual disability.¹⁹

HISTORY

Action	Date
Introduced	12-04-19
Reported, H. Health	06-10-20
Passed House (89-6)	06-10-20
Reported, S. Education	12-17-20

¹⁹ R.C. 3310.03, 3310.522, and 3313.976.

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