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# OHIO LEGISLATIVE SERVICE COMMISSION

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

## Final Analysis

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**Primary Sponsor:** Rep. Baldrige

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## SUMMARY

### Dyslexia screening, intervention, and remediation

- Requires the Department of Education to establish the Ohio Dyslexia Committee (ODC) consisting of 11 members appointed by various appointing authorities.
- Requires the ODC to develop a dyslexia guidebook for screening, intervention, and remediation for children with dyslexia or displaying dyslexic characteristics and tendencies.
- Requires the ODC to prescribe the number of clock hours of dyslexia-related professional development required for teachers.
- Permits the ODC to make recommendations regarding ratios of students to teachers who have received certification in identifying and addressing dyslexia, which school personnel should receive the certification, and whether professional development requirements should include completing a practicum.
- Requires the Department, in collaboration with the ODC, to identify screening and intervention measures that evaluate the literacy skills of students using a multi-sensory structured literacy program.
- Requires school districts and other public schools to administer annual dyslexia screenings, beginning in the 2022-2023 school year.
- Phases in over three years dyslexia-related professional development requirements for public school teachers.
- Requires school districts and other public schools, beginning in the 2022-2023 school year, to establish a multi-sensory structured literacy certification process for teachers.

## Study of costs

- Requires the Department, by December 31, 2021, to submit a report to the General Assembly regarding the financial costs of the dyslexia screening, identification, and remediation services similar those required by the act.

## Achievement assessments for state scholarship students

- Clarifies that Educational Choice, Jon Peterson, and Cleveland scholarship students are exempt from the achievement assessment requirements for scholarship renewal if they meet specified requirements.

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# DETAILED ANALYSIS

## Ohio Dyslexia Committee

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

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 with at least two years of experience teaching in a multi-sensory structured literacy program appointed by the state Superintendent;
4. An appropriately certified educational service center employee, appointed by the state Superintendent, with an appropriate certification;
5. A Department employee 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; and
11. An appropriately certified speech-language pathologist appointed by the State Speech and Hearing Professionals Board.<sup>1</sup>

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

The act specifies that a person is “appropriately certified” if the person has “certification at a certified level, or higher, from a research-based, multi-sensory structured literacy program” or any other certification recognized by a majority vote of the ODC.<sup>2</sup>

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

The state Superintendent must convene the first meeting within 30 days after nine members have been appointed. At the first meeting, the members must elect a chairperson. The Department must provide facilities for the ODC’s meetings.<sup>3</sup>

### **Committee duties**

The ODC must develop a dyslexia guidebook as described below.

It also must prescribe the number of clock hours of dyslexia-related professional development required for teachers under the act. In addition, the Department must collaborate with the ODC in developing a list of approved courses for that professional development. (See “**Professional development on instructing students with dyslexia**” below.)

Besides these mandatory duties, the act permits the ODC to:

1. Recommend appropriate ratios in school buildings of students to teachers who have received certification in identifying and addressing dyslexia;
2. Recommend which other school personnel should receive certification in identifying and addressing dyslexia, including school psychologists or speech-language pathologists; and
3. Consider and make recommendations regarding whether the act’s professional development requirements should include completion of a practicum.<sup>4</sup>

### **Dyslexia guidebook**

By December 31, 2021, the ODC must develop a dyslexia guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying dyslexic characteristics and tendencies, using a multi-sensory structured literacy program.

The ODC must provide an opportunity for public input during the guidebook’s development. The guidebook must be developed and issued in an electronic format, but it is

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

<sup>3</sup> R.C. 3323.25(B)(2) to (5).

<sup>4</sup> R.C. 3323.25(F).

subject to final approval by the State Board of Education prior to distribution. After its initial development, the ODC may update the guidebook as necessary.<sup>5</sup>

## **Related Department of Education duties**

By December 31, 2021, the Department, in collaboration with the ODC, must do the following:

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 other public schools to submit the required information and data to the Department;
4. Develop academic standards for kindergarten in reading and writing that incorporates a multi-sensory structured literacy program; and
5. Provide on its website information about training for teachers about dyslexia that is available at minimal or no cost.<sup>6</sup>

## **Dyslexia screening and intervention**

The act 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 using a multi-sensory structured literacy program. Districts and schools must select screening and intervention measures from those identified by the Department and ODC, and they must establish a multidisciplinary team to administer the measures and analyze the results. Finally, they must report to the Department the results of screening measures.<sup>7</sup>

Under the act, school districts and other public schools must administer tier one screening measures as shown in the table below.<sup>8</sup>

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

<sup>6</sup> R.C. 3323.25(D).

<sup>7</sup> R.C. 3323.251. Conforming changes in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>8</sup> R.C. 3323.251(A)(1) and (2) and (B).

<b>Tier one screenings in general</b>	
<b>School year</b>	<b>Grades</b>
For the 2022-2023 school year	Students in grades K-3.  Students in grades 4-6 upon request of a student's parent or guardian or request of a student's teacher with the permission of that student's parent or guardian.
For each school year thereafter	Students in kindergarten.  Students in grades 1-6 upon request of a student's parent or guardian or request of a student's teacher with the permission of that student's parent or guardian.
<b>Tier one screenings for transfer students</b>	
For the 2022-2023 school year and each school year thereafter	Kindergarten students who transfer into the district or school, during the regularly scheduled screening of the kindergarten class or within 30 days after enrollment.  Students in grades 1-6 who transfers into the district or school, within 30 days after enrollment.

Following the tier one screenings, districts and schools must:

1. Identify each student at risk of dyslexia based on the results of the tier one screening and notify the student's parent, guardian, or custodian of that fact;
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, unless the district or school previously administered an additional tier two screening;
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. In the case of a transfer student who is identified as at risk of dyslexia, a tier two screening measure must be administered "in a timely manner";
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 and, if the student is determined to be below the 20<sup>th</sup> percentile on the tier two screening measure, provide information about reading development, the risk factors for dyslexia, and descriptions for evidence-based interventions; and

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.<sup>9</sup>

The act does not define tier one or two screenings. Presumably, that is left to the content of the dyslexia guidebook.

## Professional development

The act 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 most public school teachers must complete.

The act requires a teacher to complete the required number of instructional hours in approved professional development courses, as shown in the table below:<sup>10</sup>

Grades	By the beginning of school year
Any instruction in grades K-1, including special education	2023-2024
Any instruction in grades 2-3, including special education	2024-2025
Special education in grades 4-12	2025-2026

Any professional development coursework completed by a teacher prior to the act’s effective date that is included on the list of Department-approved courses counts toward the required number of instructional hours in professional development courses.<sup>11</sup>

## Multi-sensory structured literacy certification

The act requires school districts and all other public schools, beginning in the 2022-2023 school year, to establish a multi-sensory structured literacy certification process for teachers

<sup>9</sup> R.C. 3323.251(A)(3) to (6) and (B).

<sup>10</sup> R.C. 3319.077(C); conforming changes in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>11</sup> R.C. 3319.077(D).

employed by the district or school providing instruction in grades K-3. Each certification process must align with the dyslexia guidebook.<sup>12</sup>

## **Study of costs**

The act requires the Department to select up to four school districts that have implemented dyslexia screening, identification, and remediation services similar to those prescribed by the act and analyze the financial costs of those services. The Department may substitute one community school or chartered nonpublic school for one school district for the study.

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

The Department 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.<sup>13</sup>

## **Pilot project repealed**

The act repeals the statute establishing a former pilot project to test the delivery of early screening and intervention services for children with risk factors for dyslexia, which operated until 2015.<sup>14</sup>

## **Achievement assessments for state scholarship students**

The act clarifies that a student participating in the Educational Choice Scholarship Pilot Program, Jon Peterson Special Needs Scholarship Program, or the Pilot Project (Cleveland) Scholarship Program is exempt from the achievement assessment requirements for the scholarship renewal if one of the testing exemption provisions under continuing law applies.

Those exemptions are:

1. The student is excused from an assessment under the student's individualized education program or Section 504 plan;
2. The chartered nonpublic school that the student attends has received a waiver from administering assessments to all of its students because it meets prescribed conditions;
3. The student is in grades 3-8 and takes an alternative assessment approved by the Department; or

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<sup>12</sup> R.C. 3319.078; conforming changes in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>13</sup> Section 4 of the act.

<sup>14</sup> Section 3; repealed R.C. 3323.25, not in the act.

4. The student is not required to take the ACT or SAT due to a significant cognitive or intellectual disability.<sup>15</sup>

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## 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
Passed Senate (32-0)	12-17-20
House concurred in Senate amendments (81-5)	12-22-20

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<sup>15</sup> R.C. 3310.03, 3310.522, and 3313.976. See also R.C. 3301.0711(C), (K) and (L), not in the act.