

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 ENROLLED ACT No. 217

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-35-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 13. (a) Unless provided otherwise under federal law, if a school's multidisciplinary team determines that a student:**

- (1) is eligible to receive special education and related services;**
- and**
- (2) has or has characteristics of the specific learning disability of dyslexia;**

the multidisciplinary team shall include information about dyslexia in the educational evaluation of the student.

(b) If information about dyslexia is included in a student's educational evaluation, information about dyslexia must be:

- (1) discussed by the student's case conference committee; and**
- (2) included in the student's individualized education program if the case conference committee determines that the information should be included.**

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

ARTICLE 35.5. DYSLEXIA SCREENING AND INTERVENTION

Chapter 1. Definitions

Sec. 1. The definitions used in this chapter apply throughout this

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article.

Sec. 2. (a) "Authorized reading specialist trained in dyslexia" means an employee of a school corporation or public school, including a charter school, who has successfully completed training in a dyslexia program approved by the department.

(b) The term includes a:

- (1) reading specialist trained in dyslexia;**
- (2) teacher who has successfully completed the training described in subsection (a); and**
- (3) tutor or paraprofessional working under the supervision of a teacher described in subdivision (2).**

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

- (1) systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of a student without presuming prior skills or knowledge of the student;**
- (2) research based; and**
- (3) offered in a setting to teach a student the components of reading instruction, including:**
 - (A) phonemic awareness to enable a student to detect, segment, blend, and manipulate sounds in spoken language;**
 - (B) graphophonemic knowledge for teaching the letter sound plan of English;**
 - (C) the structure of the English language that includes morphology, semantics, syntax, and pragmatics;**
 - (D) linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and**
 - (E) strategies that a student uses for decoding, encoding, word recognition, fluency, and comprehension.**

Sec. 4. "Level I dyslexia screening" means a process, as determined by the school corporation or charter school, for gathering additional information to determine if characteristics of dyslexia are present.

Sec. 5. "Level II dyslexia screening" means a detailed process, as determined by the school corporation or charter school, for identifying a pattern of strengths and weaknesses documenting the characteristics of dyslexia and includes the administration of diagnostic tools designed to measure the underlying cause, characteristics, and outcomes to identify the characteristics of



dyslexia.

Sec. 6. "Reading specialist trained in dyslexia" means a professional who:

- (1) has expertise in and either has or is working toward an endorsement or certification, as determined by the department, in providing training for:**
 - (A) phonological and phonemic awareness;**
 - (B) sound and symbol relationships;**
 - (C) alphabet knowledge;**
 - (D) decoding skills;**
 - (E) rapid naming skills; and**
 - (F) encoding skills;**
- (2) is fluent in the response to intervention process; and**
- (3) has been trained in the identification of and intervention for dyslexia.**

Sec. 7. "Universal screener" means a diagnostic assessment used to aid educators in understanding the causes for student performance, learning strengths, and the needs that underlie student performance. The diagnostic assessment is conducted to identify or predict students who may be at risk for poor learning outcomes and is typically brief and conducted with all students at a particular grade level.

Chapter 2. Required Screening and Intervention

Sec. 1. (a) Subject to section 8 of this chapter, a school corporation's and charter school's reading plan developed under 511 IAC 6.2-3.1 shall include indicators to screen for risk factors of dyslexia, using a screening tool approved by the department that screens for characteristics of dyslexia.

(b) Subject to 511 IAC 6.2-3.1, the mandatory universal screener approved by the department under subsection (a) shall include indicators for dyslexia and must be reported in the kindergarten through grade 2 reading plan.

Sec. 2. The screening of students shall include, as developmentally appropriate, the following:

- (1) Phonological and phonemic awareness.**
- (2) Sound symbol recognition.**
- (3) Alphabet knowledge.**
- (4) Decoding skills.**
- (5) Rapid naming skills.**
- (6) Encoding skills.**

Sec. 3. Subject to section 8 of this chapter, if a student is determined to be at risk, or at some risk, for dyslexia after a



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

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

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

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

Sec. 6. The state board shall adopt rules to ensure that students will be screened as provided under this article for risk factors of dyslexia using a screening tool described in section 1 of this chapter:

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

Sec. 7. If a universal screener, level I dyslexia screening, or level II dyslexia screening indicates that a student has characteristics of dyslexia, the school corporation or charter school shall use the response to intervention process to address the needs of the student.



Sec. 8. (a) A school corporation or charter school is not required to administer a universal screener under section 1 of this chapter to a student if the:

- (1) parent of the student objects to the screening; or**
- (2) student is receiving intervention services for dyslexia.**

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

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

Chapter 3. Notification and Services

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

- (1) Notify the student's parent of the results of the dyslexia screening.**
- (2) Provide the student's parent with information and resource material that includes the following:**
 - (A) Characteristics of dyslexia.**
 - (B) Appropriate classroom interventions and accommodations for students with dyslexia.**
 - (C) A statement that the parent may elect to have the student receive an educational evaluation by the school.**

Chapter 4. Instructional Approaches

Sec. 1. If a student's level I dyslexia screening or level II dyslexia screening indicates the need for dyslexia intervention services for the student, the dyslexia intervention may include:

- (1) explicit, direct instruction that is systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;**
- (2) individualized instruction to meet the specific needs of the student in a setting that uses intensive, highly concentrated instruction methods and materials that maximize student engagement;**
- (3) meaning based instruction directed at purposeful reading**



and writing with an emphasis on comprehension and composition;

(4) instruction that incorporates the simultaneous use of two (2) or more sensory pathways during teacher presentations and student practice; and

(5) other instructional approaches as determined appropriate by the school corporation or charter school.

Chapter 5. Reporting by School Corporations and Charter Schools

Sec. 1. The superintendent of a school corporation and an organizer of a charter school shall annually report, in accordance with the reading plan developed under 511 IAC 6.2-3.1, to the department the number of students who were:

(1) administered an initial dyslexia screening under IC 20-35.5-2-1 during the school year; and

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

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

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

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

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

Chapter 6. Reading Specialists Trained in Dyslexia

Sec. 1. (a) Not later than July 1, 2019, the department shall employ at least one (1) reading specialist trained in dyslexia with a minimum of three (3) years of field experience in screening, identifying, and treating dyslexia and related disorders to provide the following:

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

(A) the department; and

(B) school corporations and charter schools in Indiana.

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

(A) administering screenings;

(B) analyzing and interpreting screening data;

(C) determining appropriate interventions that are systematic, multisensory, and evidence based; and

(D) dyslexia programs.



(b) A reading specialist trained in dyslexia shall:

- (1) be trained in dyslexia and related disorders, including best practice interventions and treatment models for dyslexia;**
- (2) be responsible for:**
 - (A) the accountability of screening results; and**
 - (B) ensuring that all teachers working for the school corporations and charter schools receive the professional awareness information as required under IC 20-35.5-7-1; and**
- (3) serve as the primary source of information and support for school corporations and charter schools in addressing the needs of students with dyslexia and related disorders.**

Sec. 2. (a) Not later than the 2019-2020 school year, each school corporation and charter school shall employ at least one (1) individual to serve as a authorized reading specialist trained in dyslexia for the school corporation or charter school.

(b) A school corporation or a charter school may enter into an agreement with:

- (1) a service provider; or**
- (2) another school corporation or charter school;**

to obtain or share services provided by an authorized reading specialist trained in dyslexia.

Sec. 3. (a) A school corporation or charter school may petition the state superintendent of public instruction, or the superintendent's designee, for a waiver necessary to hire an individual that does not meet the training requirements established by the department to be an authorized reading specialist trained in dyslexia. The written petition must be submitted to the department on a form and in a manner prescribed by the department and must specify the reasons the school corporation or charter school is seeking the waiver.

(b) The department may grant a petition submitted under subsection (a) if:

- (1) the individual is unable to meet the training requirements to become an authorized reading specialist trained in dyslexia within the required time period; or**
- (2) an authorized reading specialist trained in dyslexia leaves the specialist's position with the school corporation or charter school and the school corporation or charter school is not able to timely employ or designate another authorized reading specialist trained in dyslexia.**

(c) Waivers granted under subsection (b) may be granted for a



period not to exceed one (1) year.

Chapter 7. Dyslexia Professional Awareness and Resource Guide

Sec. 1. (a) Not later than the 2019-2020 school year, the department shall ensure that each teacher receives professional awareness information on the following:

- (1) The characteristics of dyslexia.**
- (2) The evidence based interventions and accommodations for dyslexia.**

(b) The department may provide the information described in subsection (a) in a presentation online or in person.

Sec. 2. The department shall:

- (1) develop and update an Indiana dyslexia resource guide; and**
- (2) post the guide on the department's Internet web site.**

Sec. 3. The state board shall, in collaboration with the department, adopt rules under IC 4-22-2 to implement this article.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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