

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 198 Session of  
2013

INTRODUCED BY NEILSON, MICCARELLI, PAYNE, FLYNN, MILLARD,  
O'NEILL, KOTIK, GIBBONS, DeLUCA, THOMAS, CALTAGIRONE, NEUMAN,  
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DIGIROLAMO, HARKINS, MCCARTER, TAYLOR, MILNE, PETRI, FRANKEL,  
DEAN, PASHINSKI, KORTZ, SANTARSIERO, MATZIE, HEFFLEY,  
SAINATO, READSHAW, WATERS, D. EVANS AND SCHREIBER,  
JUNE 4, 2013

SENATOR FOLMER, EDUCATION, IN SENATE, AS AMENDED, FEBRUARY  
4, 2014

## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for Dyslexia Screening AND <--  
6 EARLY LITERACY INTERVENTION Pilot Program.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding an  
11 article to read:

12 ARTICLE XVII C <--  
13 DYSLEXIA SCREENING PILOT PROGRAM

1 ~~Section 1701 C. Short title of article.~~

2 ~~This article shall be known and may be cited as the Dyslexia~~  
3 ~~Screening Pilot Program Law.~~

4 ~~Section 1702 C. Definitions.~~

5 ~~The following words and phrases when used in this article~~  
6 ~~shall have the meanings given to them in this section unless the~~  
7 ~~context clearly indicates otherwise:~~

8 ~~"Department." The Department of Education of the~~  
9 ~~Commonwealth.~~

10 ~~"Dyslexia." A specific learning disorder that is~~  
11 ~~neurological in origin and that is characterized by unexpected~~  
12 ~~difficulties with accurate or fluent word recognition and by~~  
13 ~~poor spelling and decoding abilities not consistent with the~~  
14 ~~person's intelligence, motivation and sensory capabilities,~~  
15 ~~which difficulties typically result from a deficit in the~~  
16 ~~phonological component of language. Other difficulties may~~  
17 ~~include problems in reading comprehension and reduced reading~~  
18 ~~experience that can impede the growth of vocabulary and~~  
19 ~~background knowledge.~~

20 ~~"Pilot program." The Dyslexia Screening Pilot Program~~  
21 ~~established under this article.~~

22 ~~"Secretary." The Secretary of Education of the Commonwealth.~~  
23 ~~Section 1703 C. Establishment.~~

24 ~~(a) Pilot program. To the extent funding is available, the~~  
25 ~~department shall establish a Dyslexia Screening Pilot Program to~~  
26 ~~provide evidence based early screening and evidence based~~  
27 ~~intervention services for children with risk factors for~~  
28 ~~dyslexia, such as low phonemic awareness.~~

29 ~~(b) School districts. The department shall select at least~~  
30 ~~three school districts to participate in the pilot program. To~~

1 ~~be considered for the pilot program, a school district shall~~  
2 ~~submit a proposal to the department that demonstrates that the~~  
3 ~~school district has funding available for the program and that~~  
4 ~~identifies an evidence based method of screening children for~~  
5 ~~low phonemic awareness and other evidence based risk factors for~~  
6 ~~dyslexia, provides for the enrollment of children identified as~~  
7 ~~having evidence based risk factors for dyslexia in a reading~~  
8 ~~program staffed by teachers trained in evidence based~~  
9 ~~intervention programs, for example, multisensory structured~~  
10 ~~language programs, and includes a methodology for evaluating the~~  
11 ~~effects of the reading program on the children's identified risk~~  
12 ~~factors.~~

13 ~~(c) Program operation. To the extent funding is available,~~  
14 ~~the pilot program shall operate for three full school years,~~  
15 ~~beginning with the school year that begins at least six months~~  
16 ~~after the effective date of this article.~~

17 ~~(d) Evaluation. The goal of the pilot program shall be to~~  
18 ~~evaluate the effectiveness of evidence based early reading~~  
19 ~~assistance programs for children with risk factors for dyslexia~~  
20 ~~and to evaluate whether those programs can reduce future special~~  
21 ~~education costs.~~

22 ~~Section 1704-C. Departmental responsibilities.~~

23 ~~(a) Funds. The department shall apply for Federal, private~~  
24 ~~and other non-State funds and shall use available State funds~~  
25 ~~appropriated by the General Assembly for the pilot program.~~

26 ~~(b) Consultation. The department shall consult with the~~  
27 ~~International Dyslexia Association, or any other nationally~~  
28 ~~recognized organization that specializes in and has expertise in~~  
29 ~~the scientific basis of dyslexia and its treatments, in~~  
30 ~~establishing and operating the pilot program.~~

~~(c) Report. Not later than December 31 of the third school year in which the pilot program is operating, the secretary shall submit a report to the General Assembly containing the secretary's evaluation of the pilot program and legislative recommendations whether to continue, expand or make changes to the pilot program.~~

~~(d) Guidelines and procedures. The department shall establish guidelines and procedures for the pilot program not later than three months after the effective date of this article.~~

~~Section 1705 C. School district responsibilities.~~

~~(a) Responsibilities. Under the pilot program, each participating school district, through early childhood reading instruction and reading assistance programs, shall screen children upon school entry in kindergarten through second grade for indications of dyslexia, provide appropriate evidence based reading intervention services for those children suspected of having dyslexia and administer assessments, approved by the department, to ascertain whether the intervention services improve those students' reading and learning.~~

~~(b) Notification. When a child is suspected of having dyslexia, the participating school district shall notify the child's parent or guardian that the child, as part of the pilot program, is eligible to receive reading intervention services to measure the effectiveness of early reading assistance programs. The participating school district shall require the parent or guardian to indicate in writing that the parent or guardian voluntarily and knowingly consents to the child's participation in the pilot program. Each participating school district shall provide to the parents of children suspected of having dyslexia~~

1 ~~information about dyslexia and recommended evidence based~~  
2 ~~treatments.~~

3 ~~(c) Report. Each participating school district shall~~  
4 ~~annually report to the department data and information about the~~  
5 ~~operation of the pilot program in the manner prescribed by the~~  
6 ~~department.~~

7 ARTICLE XVII-C

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8 DYSLEXIA AND EARLY LITERACY INTERVENTION PILOT PROGRAM

9 SECTION 1701-C. SHORT TITLE OF ARTICLE.

10 THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE DYSLEXIA  
11 AND EARLY LITERACY INTERVENTION PILOT PROGRAM LAW.

12 SECTION 1702-C. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE  
17 COMMONWEALTH.

18 "DYSLEXIA." A CONDITION THAT IS CHARACTERIZED BY DIFFICULTY  
19 WITH ACCURATE OR FLUENT WORD RECOGNITION AND BY POOR SPELLING  
20 AND DECODING ABILITIES, WHICH CHARACTERISTICS TYPICALLY RESULT  
21 FROM A DEFICIT IN ONE OR MORE PROCESSES RELATED TO THE  
22 PHONOLOGICAL COMPONENT OF LANGUAGE, THAT IS OFTEN UNEXPECTED IN  
23 RELATION TO OTHER COGNITIVE ABILITIES AND THE PROVISION OF  
24 EFFECTIVE CLASSROOM INSTRUCTION AND THAT MAY RESULT IN PROBLEMS  
25 IN READING COMPREHENSION AND REDUCED READING EXPERIENCE THAT MAY  
26 IMPEDE THE GROWTH OF VOCABULARY AND BACKGROUND KNOWLEDGE. THE  
27 TERM SHALL APPLY ONLY FOR PURPOSES OF THE PILOT PROGRAM.

28 "INTENSIVE INTERVENTION." EXPLICIT, MULTISENSORY, SYNTHETIC  
29 PHONICS INSTRUCTION AND A STRUCTURED LANGUAGE PROGRAM DELIVERED  
30 WITH FIDELITY BY A TRAINED INTERVENTIONIST. THE TERM SHALL APPLY

1 ONLY FOR PURPOSES OF THE PILOT PROGRAM.

2 "PILOT PROGRAM." THE DYSLEXIA AND EARLY LITERACY  
3 INTERVENTION PILOT PROGRAM ESTABLISHED UNDER THIS ARTICLE.  
4 SECTION 1703-C. ESTABLISHMENT.

5 (A) PILOT PROGRAM.--THE DEPARTMENT SHALL ESTABLISH A  
6 DYSLEXIA AND EARLY LITERACY INTERVENTION PILOT PROGRAM TO  
7 PROVIDE EVIDENCE-BASED EARLY SCREENING AND MULTITIER SUPPORT  
8 SYSTEMS, USING EVIDENCE-BASED INTERVENTION SERVICES FOR STUDENTS  
9 WITH POTENTIAL RISK FACTORS FOR EARLY READING DEFICIENCIES AND  
10 DYSLEXIA, SUCH AS LOW PHONEMIC AWARENESS, LOW LETTER AND SYMBOL  
11 NAMING AND INABILITY TO REMEMBER SEQUENCES.

12 (B) PROGRAM OPERATION.--THE PILOT PROGRAM SHALL OPERATE FOR  
13 THREE FULL SCHOOL YEARS, BEGINNING WITH THE SCHOOL YEAR THAT  
14 BEGINS AT LEAST SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS  
15 ARTICLE.

16 (C) ELIGIBILITY.--THE DEPARTMENT SHALL SELECT AT LEAST THREE  
17 SCHOOL DISTRICTS TO PARTICIPATE IN THE PILOT PROGRAM. TO BE  
18 ELIGIBLE FOR THE PILOT PROGRAM:

19 (1) A SCHOOL DISTRICT MUST ENROLL 3,000 TO 15,000  
20 STUDENTS AND PROVIDE FULL-DAY KINDERGARTEN.

21 (2) THREE MONTHS AFTER THE EFFECTIVE DATE OF THIS  
22 SECTION, THE SCHOOL DISTRICT MUST SUBMIT A PROPOSAL TO THE  
23 DEPARTMENT THAT IDENTIFIES HOW IT WILL MEET THE GUIDELINES OF  
24 THE PILOT PROGRAM'S:

25 (I) EVIDENCE-BASED CORE READING PROGRAM;

26 (II) EVIDENCE-BASED METHOD OF SCREENING ALL  
27 KINDERGARTEN STUDENTS;

28 (III) EVIDENCE-BASED INTERVENTION PROGRAMS; AND

29 (IV) A METHODOLOGY FOR EVALUATING THE EFFECTS OF THE  
30 PROGRAM ON THE STUDENTS' IDENTIFIED RISK FACTORS.

1 SECTION 1704-C. DEPARTMENT RESPONSIBILITIES.

2 (A) FUNDS.--THE DEPARTMENT SHALL APPLY FOR FEDERAL, PRIVATE  
3 AND OTHER NON-STATE FUNDS AND SHALL USE AVAILABLE STATE FUNDS  
4 APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PILOT PROGRAM.

5 (B) CONSULTATION.--THE DEPARTMENT SHALL CONSULT WITH THE  
6 INTERNATIONAL DYSLEXIA ASSOCIATION, OR ANY OTHER RECOGNIZED  
7 ORGANIZATION THAT SPECIALIZES IN AND HAS EXPERTISE WITH THE  
8 SCIENTIFIC BASIS OF DYSLEXIA AND ITS INTERVENTION, IN  
9 ESTABLISHING, OPERATING AND EVALUATING THE PILOT PROGRAM.

10 (C) GUIDELINES AND PROCEDURES.--NO LATER THAN THREE MONTHS  
11 AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE DEPARTMENT SHALL  
12 ESTABLISH GUIDELINES AND PROCEDURES FOR THE PILOT PROGRAM THAT  
13 SHALL INCLUDE:

14 (1) EVIDENCE-BASED CORE READING PROGRAMS THAT  
15 INCORPORATE SYSTEMATIC PHONEMIC INSTRUCTION AND DEVELOP BASIC  
16 READING SKILLS FOR ALL STUDENTS IN THE PILOT PROGRAM TO USE.

17 (2) AN EVIDENCE-BASED SCREENING FOR LOW PHONEMIC  
18 AWARENESS AND OTHER EVIDENCE-BASED RISK FACTORS FOR EARLY  
19 READING DEFICIENCIES AND DYSLEXIA. THE SCREENING SHALL BE  
20 GIVEN TO ALL KINDERGARTEN STUDENTS ENROLLED IN THE SCHOOL  
21 DISTRICT THREE TIMES PER SCHOOL YEAR. THE FIRST SCREENING  
22 SHALL BE AT THE BEGINNING OF THE SCHOOL YEAR, THE SECOND  
23 SCREENING DURING THE MIDDLE OF THE SCHOOL YEAR AND THE THIRD  
24 SCREENING IN THE FINAL QUARTER OF THE SCHOOL YEAR.

25 (3) INTERVENTION MEASURES, INCLUDING MULTISENSORY  
26 STRUCTURED LANGUAGE PROGRAMS FOR STUDENTS SCORING BELOW THE  
27 BENCHMARK THAT PROVIDE TIMELY TARGETED INSTRUCTION AND  
28 STRATEGIC RETEACHING AND INTENSIVE INTERVENTION IN IDENTIFIED  
29 AREAS.

30 (4) DIAGNOSTIC ASSESSMENTS FOR STUDENTS SCORING BELOW

1 THE BENCHMARK THAT ARE NATIONALLY STANDARDIZED, NORM-  
2 REFERENCED SCREENING ASSESSMENTS OF PHONOLOGICAL AWARENESS,  
3 ALPHABETIC KNOWLEDGE, CONCEPT OF WORD AND GRAPHEME PHONEME  
4 CORRESPONDENCE. THE SCREENING SHALL BE DEMONSTRATED TO HAVE  
5 PREDICTIVE VALIDITY AND CLASSIFICATION ACCURACY.

6 SECTION 1705-C. SCHOOL DISTRICT RESPONSIBILITIES.

7 (A) NOTIFICATION.--

8 (1) WHEN A STUDENT IS SUSPECTED OF HAVING AN EARLY  
9 READING DEFICIENCY OR DYSLEXIA, THE PARTICIPATING SCHOOL  
10 DISTRICT SHALL NOTIFY THE STUDENT'S PARENT OR GUARDIAN THAT  
11 THE STUDENT, AS PART OF THE PILOT PROGRAM, IS ELIGIBLE TO  
12 RECEIVE READING INTERVENTION SERVICES TO MEASURE THE  
13 EFFECTIVENESS OF EARLY READING ASSISTANCE PROGRAMS. THE  
14 PARTICIPATING SCHOOL DISTRICT SHALL REQUIRE THE PARENT OR  
15 GUARDIAN TO INDICATE IN WRITING THAT THE PARENT OR GUARDIAN  
16 VOLUNTARILY AND KNOWINGLY CONSENTS TO THE STUDENT'S CONTINUED  
17 PARTICIPATION IN THE PILOT PROGRAM. EACH PARTICIPATING SCHOOL  
18 DISTRICT SHALL PROVIDE TO THE PARENT OR GUARDIAN OF THE  
19 STUDENT SUSPECTED OF HAVING AN EARLY READING DEFICIENCY OR  
20 DYSLEXIA, INFORMATION ABOUT EARLY READING DEFICIENCIES AND  
21 DYSLEXIA AND RECOMMENDED EVIDENCE-BASED RESOURCES AND  
22 INTERVENTIONS.

23 (2) PARTICIPATION IN THE PILOT PROGRAM, SCREENING OR  
24 INTERVENTION ASSISTANCE DOES NOT PRECLUDE A PARENT OR  
25 GUARDIAN FROM REQUESTING AN EVALUATION FOR SPECIAL EDUCATION  
26 AT ANY TIME, INCLUDING PRIOR TO OR DURING THE COURSE OF EARLY  
27 INTERVENTION ASSISTANCE.

28 (B) EVALUATION.--

29 (1) EACH PARTICIPATING SCHOOL DISTRICT SHALL ANNUALLY  
30 REPORT TO THE DEPARTMENT DATA AND INFORMATION ABOUT THE

1 OPERATION OF THE PILOT PROGRAM, IN THE MANNER PRESCRIBED BY  
2 THE DEPARTMENT.

3 (2) THE DEPARTMENT SHALL CONTRACT WITH A NATIONALLY  
4 RECOGNIZED EDUCATIONAL EVALUATION INSTITUTION OR ORGANIZATION  
5 TO PROVIDE AN EVALUATION OF THE PILOT PROGRAM TO REVIEW THE  
6 EFFECTIVENESS OF EVIDENCE-BASED EARLY READING ASSISTANCE  
7 PROGRAMS FOR STUDENTS WITH RISK FACTORS FOR EARLY READING  
8 DEFICIENCIES AND DYSLEXIA AND TO DETERMINE IF THE PROGRAMS  
9 REDUCE SPECIAL EDUCATION COSTS. THE EVALUATION SHALL BE  
10 PUBLISHED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
11 WEBSITE.

12 Section 2. This act shall take effect immediately.