

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 873 Session of 2013

INTRODUCED BY WILEY, FOLMER, TOMLINSON, DINNIMAN, COSTA, HUGHES, WILLIAMS, TARTAGLIONE, KASUNIC, FONTANA, BOSCOLA, ALLOWAY, BROWNE, GREENLEAF, McILHINNEY, VULAKOVICH, WARD, BLAKE, BREWSTER, FARNESE, FERLO, KITCHEN, LEACH, SCHWANK, SMITH, SOLOBAY, STACK, TEPLITZ, WASHINGTON, WOZNIAK, YUDICHAK AND WAUGH, JUNE 5, 2013

SENATOR FOLMER, EDUCATION, AS AMENDED, DECEMBER 11, 2013

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:

ARTICLE XVII C <--

DYSLEXIA SCREENING PILOT PROGRAM

14 Section 1701 C. Short title of article.

15 This article shall be known and may be cited as the Dyslexia
16 Screening Pilot Program Law.

17 Section 1702 C. Definitions.

18 The following words and phrases when used in this article

1 ~~shall have the meanings given to them in this section unless the~~  
2 ~~context clearly indicates otherwise:~~

3 ~~"Department." The Department of Education of the~~  
4 ~~Commonwealth.~~

5 ~~"Dyslexia." A specific learning disorder that is~~  
6 ~~neurological in origin and that is characterized by unexpected~~  
7 ~~difficulties with accurate or fluent word recognition and by~~  
8 ~~poor spelling and decoding abilities not consistent with the~~  
9 ~~person's intelligence, motivation and sensory capabilities,~~  
10 ~~which difficulties typically result from a deficit in the~~  
11 ~~phonological component of language.~~

12 ~~"Pilot program." The Dyslexia Screening Pilot Program~~  
13 ~~established under this article.~~

14 ~~"Secretary." The Secretary of Education of the Commonwealth.~~  
15 ~~Section 1703 C. Establishment.~~

16 ~~(a) Pilot program. The department shall establish a~~  
17 ~~Dyslexia Screening Pilot Program to provide evidence based early~~  
18 ~~screening and evidence based intervention services for children~~  
19 ~~with risk factors for dyslexia, such as low phonemic awareness.~~

20 ~~(b) School districts. The department shall select at least~~  
21 ~~three school districts to participate in the pilot program. To~~  
22 ~~be considered for the pilot program, a school district shall~~  
23 ~~submit a proposal to the department that identifies an evidence~~  
24 ~~based method of screening children for low phonemic awareness~~  
25 ~~and other evidence based risk factors for dyslexia, provides for~~  
26 ~~the enrollment of children identified as having evidence based~~  
27 ~~risk factors for dyslexia in a reading program staffed by~~  
28 ~~teachers trained in evidence based intervention programs, for~~  
29 ~~example, multisensory structured language programs, and includes~~  
30 ~~a methodology for evaluating the effects of the reading program~~

1 ~~on the children's identified risk factors.~~

2 ~~(c) Program operation. The pilot program shall operate for~~  
3 ~~three full school years, beginning with the school year that~~  
4 ~~begins at least six months after the effective date of this~~  
5 ~~article.~~

6 ~~(d) Evaluation. The goal of the pilot program shall be to~~  
7 ~~evaluate the effectiveness of evidence based early reading~~  
8 ~~assistance programs for children with risk factors for dyslexia~~  
9 ~~and to evaluate whether those programs can reduce future special~~  
10 ~~education costs.~~

11 ~~Section 1704 C. Departmental responsibilities.~~

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

15 ~~(b) Consultation. The department shall consult with the~~  
16 ~~International Dyslexia Association, or any other nationally~~  
17 ~~recognized organization that specializes in and has expertise in~~  
18 ~~the scientific basis of dyslexia and its treatments, in~~  
19 ~~establishing and operating the pilot program.~~

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

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

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

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

10 ~~(b) Notification. When a child is suspected of having~~  
11 ~~dyslexia, the participating school district shall notify the~~  
12 ~~child's parent or guardian that the child, as part of the pilot~~  
13 ~~program, is eligible to receive reading intervention services to~~  
14 ~~measure the effectiveness of early reading assistance programs.~~  
15 ~~The participating school district shall require the parent or~~  
16 ~~guardian to indicate in writing that the parent or guardian~~  
17 ~~voluntarily and knowingly consents to the child's participation~~  
18 ~~in the pilot program. Each participating school district shall~~  
19 ~~provide to the parents of children suspected of having dyslexia~~  
20 ~~information about dyslexia and recommended evidence based~~  
21 ~~treatments.~~

22 ~~(c) Report. Each participating school district shall~~  
23 ~~annually report to the department data and information about the~~  
24 ~~operation of the pilot program, in the manner prescribed by the~~  
25 ~~department.~~

26 ARTICLE XVII-C

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27 DYSLEXIA AND EARLY LITERACY INTERVENTION PILOT PROGRAM

28 SECTION 1701-C. SHORT TITLE OF ARTICLE.

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

1 SECTION 1702-C. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
3 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE  
6 COMMONWEALTH.

7 "DYSLEXIA." A CONDITION THAT IS CHARACTERIZED BY DIFFICULTY  
8 WITH ACCURATE OR FLUENT WORD RECOGNITION AND BY POOR SPELLING  
9 AND DECODING ABILITIES, WHICH CHARACTERISTICS TYPICALLY RESULT  
10 FROM A DEFICIT IN ONE OR MORE PROCESSES RELATED TO THE  
11 PHONOLOGICAL COMPONENT OF LANGUAGE, THAT IS OFTEN UNEXPECTED IN  
12 RELATION TO OTHER COGNITIVE ABILITIES AND THE PROVISION OF  
13 EFFECTIVE CLASSROOM INSTRUCTION AND THAT MAY RESULT IN PROBLEMS  
14 IN READING COMPREHENSION AND REDUCED READING EXPERIENCE THAT MAY  
15 IMPEDE THE GROWTH OF VOCABULARY AND BACKGROUND KNOWLEDGE. THE  
16 TERM SHALL APPLY ONLY FOR PURPOSES OF THE PILOT PROGRAM.

17 "INTENSIVE INTERVENTION." EXPLICIT, MULTISENSORY, SYNTHETIC  
18 PHONICS INSTRUCTION AND A STRUCTURED LANGUAGE PROGRAM DELIVERED  
19 WITH FIDELITY BY A TRAINED INTERVENTIONIST. THE TERM SHALL APPLY  
20 ONLY FOR PURPOSES OF THE PILOT PROGRAM.

21 "PILOT PROGRAM." THE DYSLEXIA AND EARLY LITERACY  
22 INTERVENTION PILOT PROGRAM ESTABLISHED UNDER THIS ARTICLE.

23 SECTION 1703-C. ESTABLISHMENT.

24 (A) PILOT PROGRAM.--THE DEPARTMENT SHALL ESTABLISH A  
25 DYSLEXIA AND EARLY LITERACY INTERVENTION PILOT PROGRAM TO  
26 PROVIDE EVIDENCE-BASED EARLY SCREENING AND MULTITIER SUPPORT  
27 SYSTEMS, USING EVIDENCE-BASED INTERVENTION SERVICES FOR STUDENTS  
28 WITH POTENTIAL RISK FACTORS FOR EARLY READING DEFICIENCIES AND  
29 DYSLEXIA, SUCH AS LOW PHONEMIC AWARENESS, LOW LETTER AND SYMBOL  
30 NAMING AND INABILITY TO REMEMBER SEQUENCES.

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

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

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

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

14 (I) EVIDENCE-BASED CORE READING PROGRAM;

15 (II) EVIDENCE-BASED METHOD OF SCREENING ALL  
16 KINDERGARTEN STUDENTS;

17 (III) EVIDENCE-BASED INTERVENTION PROGRAMS; AND

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

20 SECTION 1704-C. DEPARTMENT RESPONSIBILITIES.

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

24 (B) CONSULTATION.--THE DEPARTMENT SHALL CONSULT WITH THE  
25 INTERNATIONAL DYSLEXIA ASSOCIATION, OR ANY OTHER RECOGNIZED  
26 ORGANIZATION THAT SPECIALIZES IN AND HAS EXPERTISE WITH THE  
27 SCIENTIFIC BASIS OF DYSLEXIA AND ITS INTERVENTION, IN  
28 ESTABLISHING, OPERATING AND EVALUATING THE PILOT PROGRAM.

29 (C) GUIDELINES AND PROCEDURES.--NO LATER THAN THREE MONTHS  
30 AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE DEPARTMENT SHALL

1 ESTABLISH GUIDELINES AND PROCEDURES FOR THE PILOT PROGRAM THAT  
2 SHALL INCLUDE:

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

6 (2) AN EVIDENCE-BASED SCREENING FOR LOW PHONEMIC  
7 AWARENESS AND OTHER EVIDENCE-BASED RISK FACTORS FOR EARLY  
8 READING DEFICIENCIES AND DYSLEXIA. THE SCREENING SHALL BE  
9 GIVEN TO ALL KINDERGARTEN STUDENTS ENROLLED IN THE SCHOOL  
10 DISTRICT THREE TIMES PER SCHOOL YEAR. THE FIRST SCREENING  
11 SHALL BE AT THE BEGINNING OF THE SCHOOL YEAR, THE SECOND  
12 SCREENING DURING THE MIDDLE OF THE SCHOOL YEAR AND THE THIRD  
13 SCREENING IN THE FINAL QUARTER OF THE SCHOOL YEAR.

14 (3) INTERVENTION MEASURES, INCLUDING MULTISENSORY  
15 STRUCTURED LANGUAGE PROGRAMS FOR STUDENTS SCORING BELOW THE  
16 BENCHMARK THAT PROVIDE TIMELY TARGETED INSTRUCTION AND  
17 STRATEGIC RETEACHING AND INTENSIVE INTERVENTION IN IDENTIFIED  
18 AREAS.

19 (4) DIAGNOSTIC ASSESSMENTS FOR STUDENTS SCORING BELOW  
20 THE BENCHMARK THAT ARE NATIONALLY STANDARDIZED, NORM-  
21 REFERENCED SCREENING ASSESSMENTS OF PHONOLOGICAL AWARENESS,  
22 ALPHABETIC KNOWLEDGE, CONCEPT OF WORD AND GRAPHEME PHONEME  
23 CORRESPONDENCE. THE SCREENING SHALL BE DEMONSTRATED TO HAVE  
24 PREDICTIVE VALIDITY AND CLASSIFICATION ACCURACY.

25 SECTION 1705-C. SCHOOL DISTRICT RESPONSIBILITIES.

26 (A) NOTIFICATION.--

27 (1) WHEN A STUDENT IS SUSPECTED OF HAVING AN EARLY  
28 READING DEFICIENCY OR DYSLEXIA, THE PARTICIPATING SCHOOL  
29 DISTRICT SHALL NOTIFY THE STUDENT'S PARENT OR GUARDIAN THAT  
30 THE STUDENT, AS PART OF THE PILOT PROGRAM, IS ELIGIBLE TO

1 RECEIVE READING INTERVENTION SERVICES TO MEASURE THE  
2 EFFECTIVENESS OF EARLY READING ASSISTANCE PROGRAMS. THE  
3 PARTICIPATING SCHOOL DISTRICT SHALL REQUIRE THE PARENT OR  
4 GUARDIAN TO INDICATE IN WRITING THAT THE PARENT OR GUARDIAN  
5 VOLUNTARILY AND KNOWINGLY CONSENTS TO THE STUDENT'S CONTINUED  
6 PARTICIPATION IN THE PILOT PROGRAM. EACH PARTICIPATING SCHOOL  
7 DISTRICT SHALL PROVIDE TO THE PARENT OR GUARDIAN OF THE  
8 STUDENT SUSPECTED OF HAVING AN EARLY READING DEFICIENCY OR  
9 DYSLEXIA, INFORMATION ABOUT EARLY READING DEFICIENCIES AND  
10 DYSLEXIA AND RECOMMENDED EVIDENCE-BASED RESOURCES AND  
11 INTERVENTIONS.

12 (2) PARTICIPATION IN THE PILOT PROGRAM, SCREENING OR  
13 INTERVENTION ASSISTANCE DOES NOT PRECLUDE A PARENT OR  
14 GUARDIAN FROM REQUESTING AN EVALUATION FOR SPECIAL EDUCATION  
15 AT ANY TIME, INCLUDING PRIOR TO OR DURING THE COURSE OF EARLY  
16 INTERVENTION ASSISTANCE.

17 (B) EVALUATION.--

18 (1) EACH PARTICIPATING SCHOOL DISTRICT SHALL ANNUALLY  
19 REPORT TO THE DEPARTMENT DATA AND INFORMATION ABOUT THE  
20 OPERATION OF THE PILOT PROGRAM, IN THE MANNER PRESCRIBED BY  
21 THE DEPARTMENT.

22 (2) THE DEPARTMENT SHALL CONTRACT WITH A NATIONALLY  
23 RECOGNIZED EDUCATIONAL EVALUATION INSTITUTION OR ORGANIZATION  
24 TO PROVIDE AN EVALUATION OF THE PILOT PROGRAM TO REVIEW THE  
25 EFFECTIVENESS OF EVIDENCE-BASED EARLY READING ASSISTANCE  
26 PROGRAMS FOR STUDENTS WITH RISK FACTORS FOR EARLY READING  
27 DEFICIENCIES AND DYSLEXIA AND TO DETERMINE IF THE PROGRAMS  
28 REDUCE SPECIAL EDUCATION COSTS. THE EVALUATION SHALL BE  
29 PUBLISHED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
30 WEBSITE.

1 Section 2. This act shall take effect immediately.