STATE OF NEW YORK

2185

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. CARROLL, COLTON, SEAWRIGHT, SIMON, DINOWITZ, RODRIGUEZ, DE LA ROSA, LUPARDO, WILLIAMS, DICKENS, GRIFFIN, ABINANTI, EPSTEIN, SAYEGH, JONES, RA, TAYLOR, BARRON, DAVILA, McMAHON, REYES, JEAN-PIERRE, ASHBY, FALL -- Multi-Sponsored by -- M. of A. COOK, ENGLEBRIGHT, FRONTUS, HYNDMAN, THIELE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing a dyslexia task force and implementing the findings of such task force

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding two new sections 4407-a and 4407-b to read as follows:

§ 4407-a. Dyslexia; task force. 1. The task force on dyslexia is hereby created within the department to develop guidelines for the appropriate screening of students for dyslexia and related disorders, provide guidelines regarding the appropriate interventions and classroom support for students deemed at risk, and to develop a program of study for teachers to better help students with dyslexia.

2. For the purposes of this section, the following terms shall have the following meanings:

(a) The term "dyslexia" shall mean an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing, the appreciation of the individual sounds of spoken language, which affects the ability of an individual to speak, read, and spell.

(b) The term "screening program" shall mean a dyslexia screening program which is: (i) evidence based with proven psychometrics for validity; (ii) efficient and low cost; and (iii) readily available.

(c) The term "related disorders" shall mean disorders similar to or related to dyslexia including, but not limited to, developmental audito-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD02478-01-1

ry imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

(d) The term "support" shall mean low-cost and effective best practices including, but not limited to, oral examinations and extended test-taking periods used to support students who have dyslexia or any related disorder.

3. (a) Such task force shall consist of ten members, each to serve for a term of three calendar years. Such members shall be appointed as follows: four members shall be appointed by the governor; two members shall be appointed by the temporary president of the senate; one member shall be appointed by the minority leader of the senate; two members shall be appointed by the speaker of the assembly; and one member shall be appointed by the minority leader of the assembly. Appointments shall be made on or before July first, two thousand twenty-one. Vacancies in the task force shall be filled in the manner provided for original appointments.

(b) Such members shall include: two physicians and/or scientists who work with dyslexic persons; two educators who specialize in educating dyslexic persons; one parent advocate; one dyslexic person; and one person who works for the state university who is an expert in dyslexia. All appointments shall be coordinated to ensure geographic representation from the entire state.

(c) The task force shall consist of a chair, vice-chair and any other necessary officers shall be elected from among all the appointed members.

(d) A majority of the members of the task force then in office shall constitute a quorum for the transaction of business or the exercise of any power or function of the task force. An act, determination or decision of the majority of the members present during the presence of a quorum shall be held to be the act, determination, or decision of the task force.

(e) The task force shall meet at least quarterly at the call of the chair. Meetings may be held via teleconference. Special meetings may be called by the chair at the request of a majority of the members of the task force.

(f) Members of the task force shall receive no compensation for their services but shall be reimbursed for their actual expenses incurred in the performance of their duties in the work of the task force.

4. The task force established shall:

(a) Study screening programs for identifying dyslexic persons;

(b) Study intervention and classroom support services for dyslexic persons;

(c) Develop guidelines for appropriate screening programs, intervention services and classroom support for dyslexic persons; and

(d) Develop a program of study in the diagnosis and remediation of reading and language arts that includes supervised practicum hours and instruction in the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia and other related disorders.

5. The task force may, as it deems appropriate, request that studies, surveys, or analyses relating to the task force's powers and duties be performed by any state department, commission, agency or public authority. All state departments, commissions, agencies or public authorities shall provide information and advice in a timely manner and otherwise assist the task force with its work.

6. The department shall provide staff services to the task force and such other administrative assistance as may be necessary for the task force to carry out its duties, functions and powers.

7. The task force shall hold a minimum of three public hearings each year: one in New York city; one in western New York; and one in upstate eastern New York. The task force may hold additional public hearings in other locations as it deems appropriate.

8. The task force shall issue a report to the governor and the legislature of its findings, conclusions, recommendations and activities already undertaken by the task force, not later than September first, two thousand twenty-two and shall submit with its reports legislative proposals as it deems necessary to implement its recommendations, the guidelines developed under paragraph (c) of subdivision four of this section, and the program of study developed under paragraph (d) of subdivision four of this section.

9. On or before December thirty-first, two thousand twenty-two, the department shall promulgate rules and regulations to implement the guidelines and program of study developed by the task force which were submitted in the task force's report.

10. Nothing in this section shall require a student with dyslexia to obtain an individualized education program unless the student has otherwise met the federal conditions necessary.

§ 4407-b. Dyslexia; screening and intervention. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) The term "dyslexia" shall mean an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing, the appreciation of the individual sounds of spoken language, which affects the ability of an individual to speak, read, and spell.

(b) The term "screening program" shall mean a dyslexia screening program which is: (i) evidence based with proven psychometrics for validity; (ii) efficient and low cost; and (iii) readily available.

(c) The term "related disorders" shall mean disorders similar to or related to dyslexia including, but not limited to, developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

(d) The term "support" shall mean low-cost and effective best practices including, but not limited to, oral examinations and extended test-taking periods used to support students who have dyslexia or any related disorder.

2. On or before July first, two thousand twenty-three, each public school shall conduct a dyslexia screening program and shall provide interventions based on the rules and regulations promulgated under subdivision nine of section forty-four hundred seven-a of this article.

3. On or before July first, two thousand twenty-three, any certified educator applying for a comprehensive special education or integrated early childhood and special education endorsement or applicant for an initial, provisional or professional educator certificate and a comprehensive special education or integrated early childhood and special education endorsement shall have completed a program of study in the diagnosis and remediation of reading and language arts that includes supervised practicum hours and instruction in the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia and other related disorders.

4. Nothing in this act shall require a student with dyslexia to obtain an individualized education program unless the student has otherwise met the federal conditions necessary.

§ 2. This act shall take effect immediately.