STATE OF NEW YORK

7101

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing the "New York individuals with dyslexia education act" and implementing a plan to identify and support students with characteristics of dyslexia

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

Section 1. This act shall be known as the "New York individuals with dyslexia education act".

§ 2. The education law is amended by adding a new section 926 to read as follows:

§ 926. Dyslexia education act. 1. As used in this section: a. "Dyslexia" means a specific learning disability that is neurobiological in origin. Dyslexia is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

b. "Dyslexia screening" means a process, as determined by the school district, for gathering additional information to determine if the characteristics of dyslexia are present.

c. "Multi-tiered system of support (MTSS)" means a framework for supporting and increasing academic, behavioral, and social emotional outcomes for all students.

d. "Universal screener" means an assessment that is administered three times per year (beginning, middle, and end) to identify or predict students who may be at risk for poor reading outcomes and is typically brief and conducted with all students at a particular grade level.

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

LBD10911-03-3

e. "Structured literacy" means an evidence-based approach to teaching oral and written language aligned to the science of reading. It is based on the science of how children learn to read and is characterized by explicit, systematic, cumulative, and diagnostic instruction in phonology, sound-symbol association, syllable instruction, morphology, syntax, and semantics.

f. "Science of reading" means the large body of evidence that informs how proficient reading and writing develop; why some have difficulty; and how we can most effectively assess and teach and, therefore, improve student outcomes through prevention of and intervention for reading difficulties.

g. "Dyslexia-specific intervention" means evidenced-based, specialized reading, writing, and spelling instruction that is multisensory in nature and equips students to simultaneously use multiple senses (vision, hearing, touch, and movement). Dyslexia-specific intervention employs direct instruction of systematic and cumulative content. The sequence shall begin with the easiest and most basic elements and progress methodically to more difficult material. Each step shall also be based on those already learned. Concepts shall be systematically reviewed to strengthen memory. Components of dyslexic-specific intervention include instruction targeting phonological awareness, sound-symbol association, syllable structure, morphology, syntax, and semantics. Dyslexia-specific intervention does not include the three-cueing systems model of instruction.

h. "Dyslexia interventionist" means the teacher or individual who provides dyslexia-specific intervention. The dyslexia interventionist shall have successfully completed a certification training course or shall have completed training in the appropriate implementation of the evidence-based, dyslexia-specific intervention being provided, including but not limited to an Orton-Gillingham based approach or another multisensory structured literacy approach accredited by the International Multisensory Structured Language Education Council (IMSLEC).

i. "Dyslexia therapist" or "dyslexia specialist" means the educator who is enrolled in or has successfully completed a training program in an Orton-Gillingham based approach or another multi-sensory structured literacy approach accredited by the International Multisensory Structured Language Education Council (IMSLEC).

2. Each school district shall adopt a policy to require screening of students in grades kindergarten through fifth grade for the risk factors of dyslexia using a dyslexia screener approved by the department. The dyslexia screening shall be administered annually during the spring of kindergarten and at the beginning of first through fifth grades. The screening of students using an approved dyslexia screener must include, as developmentally appropriate, all of the following:

a. phonological and phonemic awareness;

b. sound-symbol recognition;

c. alphabet knowledge;

d. decoding skills;

e. rapid naming skills;

f. encoding skills;

g. oral reading fluency; and

h. has proven psychometrics.

3. a. If the dyslexia screening indicates that a student has risk factors for dyslexia or the characteristics of dyslexia the school must use a multi-tiered system of support (MTSS) framework to address the needs of the student.

b. If a student's performance on a dyslexia screening indicates a need for dyslexia intervention services, the school district must do both of the following:

(i) Notify the student's parent or guardian of the results of all screenings; and

(ii) Provide the student's parent or guardian with information and resource material that include all of the following:

(1) the characteristics of dyslexia;

(2) the appropriate classroom interventions and accommodations for students with dyslexia; and

(3) a statement that the parent or guardian may elect to have the student receive an educational evaluation by the school.

c. If a student's parent or guardian presents documentation of an existing diagnosis of dyslexia, then the student may be exempt from screening; however, the school must use a multi-tiered system of support (MTSS) framework to address the needs of the student.

d. If a student has not been identified as at risk for poor reading outcomes according to the results on the universal screener administered by each school district or scores at a level that is determined as proficient on the English Language Arts (ELA) exam administered by New York state, then a student's parent or guardian may opt out of dyslexia screening for such student beginning in fourth grade by submitting a request to the student's school in a form that shall be provided by the district.

4. a. Each school district shall use evidence-based multi-tiered systems of support to provide daily dyslexia-specific interventions to students in kindergarten through fifth grade who display indications of, or areas of weakness associated with, dyslexia.

b. If a student's dyslexia screening indicates that the student has characteristics of dyslexia, the dyslexia intervention services provided to the student must utilize an Orton-Gillingham based approach or another multi-sensory structured literacy approach.

c. Each student identified as having characteristics of dyslexia shall receive a minimum of forty-five minutes of dyslexia-specific intervention services per school day. The dyslexis-specific reading intervention program shall be provided in a small group setting following publisher guidelines regarding group size, in addition to core reading instruction that is provided to all students in the general education classroom. The program shall be aligned to the content and performance standards and evidence-based interventions to meet the needs of all students.

d. The dyslexia-specific intervention services shall be provided by a dyslexia interventionist, therapist, or specialist, specifically target students' areas of weakness, and:

(i) provide explicit, direct, systematic, sequential, and cumulative instruction that adheres to a logical plan about the alphabetic principle and is designed to accommodate the needs of each individual student without presuming prior skills or knowledge;

(ii) implement evidence-based practices that have been proven effective in the treatment of dyslexia;

(iii) engage the student in multi-sensory language learning techniques;

(iv) include phonemic awareness activities to enable the student to detect, segment, blend, and manipulate sounds in the spoken language;

(v) provide graphophonemic knowledge for teaching the letter sound plan of the English language;

(vi) teach the structure and patterns of the English language, including linguistic instruction in morphology, semantics, syntax, and pragmatics, that is directed toward proficiency and fluency with the patterns of language so that words and sentences are the carriers of meaning;

(vii) develop strategies that advance the student's ability in decoding, encoding, word recognition, fluency, and comprehension; and

(viii) provide meaning-based instruction directed at purposeful reading and writing, with an emphasis on comprehension and composition.

e. Each school district shall hire one educator to provide dyslexia intervention services per every one hundred general education students in grades kindergarten through grade five.

f. Parents or guardians shall be notified of all screening administrations and outcomes. For a student who demonstrates characteristics of dyslexia, each school district shall notify the student's parents or guardian of the identified indicators and areas of weakness, as well as the plan for using a multi-tiered system of support (MTSS) to provide supports and interventions. The initial notice shall also include information relating to dyslexia and resources for parental support developed by the department. The school district must provide monthly updates to the student's parents or guardian of the student's progress.

g. The school district shall recommend a referral for evaluation to the student's parents or guardian if, after one year of documented intervention, minimal progress has been made.

5. a. The department shall develop and maintain a handbook to be made available on its website that provides guidance for students, parents or guardians, and teachers about dyslexia. The handbook shall include, but is not limited to:

(i) guidelines for teachers and parents or caregivers on how to identify signs of dyslexia;

(ii) a description of educational strategies that have been shown to improve the academic performance of students with dyslexia;

(iii) a description of resources and services available to students with dyslexia, parents or guardians of students with dyslexia, and teachers;

(iv) guidelines on the administration of a universal screener and dyslexia screening, the interpretation of data from these screeners, and the resulting appropriate instruction within a multi-tiered system of support (MTSS) framework; and

(v) a plain language explanation of student's rights regarding education mandated by the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973 and an explanation of the rights of parents to seek recourse with an independent educational evaluation or in a private educational setting should public schools not meet the requirements of the IDEA.

b. The department shall review the handbook at least once every three years to update the guidelines, educational strategies, or resources and services made available in the handbook.

6. a. Each school district shall provide all elementary grades instructional personnel (i.e. teachers, administrators, reading coaches, speech pathologists, dyslexia interventionists) access to structured literacy training sufficient to meet the requirements of this section but no less than fifty hours of such training for teachers, reading coaches, and dyslexia interventionists and no less than six hours for administrators and speech pathologists.

b. Each school district shall provide structured literacy training facilitated by someone with extensive knowledge of dyslexia, such as a dyslexia therapist or specialist, to reading coaches, classroom teachers, and school administrators in the following:

(i) effective methods of identifying characteristics of dyslexia and other related reading disorders;

(ii) incorporating evidence-based instructional techniques into the general education setting which are proven to improve reading performance for all students; and

(iii) using predictive and other data to make instructional decisions based on individual student needs.

c. The training requirements of this section shall help teachers integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and sequential approach to reading instruction, including the Orton-Gillingham approach or other multi-sensory structured literacy approach.

7. Postsecondary institutions offering teacher preparation programs for elementary and secondary regular education and special education shall include instruction on:

a. the definition and characteristics of dyslexia;

b. processes for identifying dyslexia;

c. evidence-based interventions and accommodations for dyslexia and related literacy and learning challenges; and

d. core elements of a response-to-intervention framework addressing reading, writing, mathematics, and behavior, including:

(i) universal screening;

(ii) high-quality instructional materials grounded in the science of reading;

(iii) evidence-based interventions;

(iv) progress monitoring of the effectiveness of interventions on student performance; and

(v) data-based decision-making procedures related to:

(1) determining intervention effectiveness on student performance;

(2) determining the need to continue, alter, or discontinue interventions or conduct further evaluation of student needs; and

(3) application and implementation of response-to-intervention and dyslexia instructional practices in the classroom setting.

§ 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.