

# STATE OF NEW YORK

7101--A

2023-2024 Regular Sessions

## IN ASSEMBLY

May 10, 2023

Introduced by M. of A. CARROLL, CUNNINGHAM, McDONALD, SEAWRIGHT, JENSEN, ARDILA, McMAHON, DINOWITZ -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

5 § 926. Dyslexia education act. 1. As used in this section: a. "Dysle-  
6 xia" means a specific learning disability that is neurobiological in  
7 origin. Dyslexia is characterized by difficulties with accurate and/or  
8 fluent word recognition and by poor spelling and decoding abilities.  
9 These difficulties typically result from a deficit in the phonological  
10 component of language that is often unexpected in relation to other  
11 cognitive abilities and the provision of effective classroom instruc-  
12 tion. Secondary consequences may include problems in reading comprehen-  
13 sion and reduced reading experience that can impede growth of vocabulary  
14 and background knowledge. For the purposes of this section, dyslexia  
15 shall also include dysgraphia, a neurological and learning difference in  
16 which someone has difficulty writing for their age level.

17 b. "Dyslexia screening" means a process, as determined by the school  
18 district, for gathering additional information to determine if the char-  
19 acteristics of dyslexia are present.

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

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

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

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

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

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

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

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

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

49 a. phonological and phonemic awareness;

50 b. sound-symbol recognition;

51 c. alphabet knowledge;

52 d. decoding skills;

53 e. rapid naming skills;

54 f. encoding skills;

55 g. oral reading fluency; and

56 h. has proven psychometrics.

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

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

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

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

12 (1) the characteristics of dyslexia;

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

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

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

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

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

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

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

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

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

53 (ii) implement evidence-based practices that have been proven effec-  
54 tive in the treatment of dyslexia;

55 (iii) engage the student in multi-sensory language learning tech-  
56 niques;

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

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

5 (vi) teach the structure and patterns of the English language, includ-  
6 ing linguistic instruction in morphology, semantics, syntax, and prag-  
7 matics, that is directed toward proficiency and fluency with the  
8 patterns of language so that words and sentences are the carriers of  
9 meaning;

10 (vii) develop strategies that advance the student's ability in decod-  
11 ing, encoding, word recognition, fluency, and comprehension; and

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

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

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

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

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

33 (i) guidelines for teachers and parents or caregivers on how to iden-  
34 tify signs of dyslexia;

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

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

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

44 (v) a plain language explanation of student's rights regarding educa-  
45 tion mandated by the Individuals with Disabilities Education Act (IDEA),  
46 the Americans with Disabilities Act, and Section 504 of the Rehabili-  
47 tation Act of 1973 and an explanation of the rights of parents to seek  
48 recourse with an independent educational evaluation or in a private  
49 educational setting should public schools not meet the requirements of  
50 the IDEA.

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

54 6. a. Each school district shall provide all elementary grades  
55 instructional personnel (i.e. teachers, administrators, reading coaches,  
56 speech pathologists, dyslexia interventionists) access to structured

1 literacy training sufficient to meet the requirements of this section  
2 but no less than fifty hours of such training for teachers, reading  
3 coaches, and dyslexia interventionists and no less than six hours for  
4 administrators and speech pathologists.

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

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

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

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

16 c. The training requirements of this section shall help teachers inte-  
17 grate phonemic awareness; phonics, word study, and spelling; reading  
18 fluency; vocabulary, including academic vocabulary; and text comprehen-  
19 sion strategies into an explicit, systematic, and sequential approach to  
20 reading instruction, including the Orton-Gillingham approach or other  
21 multi-sensory structured literacy approach.

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

25 a. the definition and characteristics of dyslexia;

26 b. processes for identifying dyslexia;

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

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

31 (i) universal screening;

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

34 (iii) evidence-based interventions;

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

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

38 (1) determining intervention effectiveness on student performance;

39 (2) determining the need to continue, alter, or discontinue inter-  
40 ventions or conduct further evaluation of student needs; and

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

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