

AMENDED IN ASSEMBLY JUNE 28, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MARCH 3, 2021

**SENATE BILL**

**No. 237**

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**Introduced by Senator Portantino**

**(Coauthors: Senators Cortese, Dahle, Dodd, Hueso, Limón,**

**Ochoa Bogh, Umberg, and Wiener)**

(Coauthors: Assembly Members *Bauer-Kahan*, Chiu, Gabriel, Holden,  
Mathis, Luz Rivas, Blanca Rubio, and Villapudua)

January 21, 2021

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An act to amend Section 56337.5 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 237, as amended, Portantino. Special education: dyslexia risk screening.

Existing law requires the Superintendent of Public Instruction to develop program guidelines for dyslexia to be used to assist regular education teachers, special education teachers, and parents to identify and assess pupils with dyslexia, as provided. Existing law requires a pupil who is assessed as being dyslexic and meets specified eligibility criteria to be entitled to special education and related services.

This bill would require, on or before June 30, 2022, the State Board of Education to establish an approved list of *evidence-based* culturally, linguistically, and developmentally appropriate screening instruments to be used by a local educational agency, as defined, to screen pupils for risk of dyslexia, as provided. The bill would require, beginning in the 2022–23 school year, and annually thereafter, a local educational

agency serving pupils in any of the grades kindergarten to grade 2, inclusive, to screen each pupil in those grades for risk of dyslexia by using the screening instrument or instruments identified above, as provided. The bill would also require, during the 2022–23 school year, a local educational agency serving pupils in grade 3 to screen each pupil. The bill would require results from the screening, among other things, to be made available to a pupil’s parent or guardian in a timely manner, but no more than 45 calendar days from administering the screening. The bill would require a local educational agency to provide a pupil identified as being at risk for dyslexia with appropriate instruction, progress monitoring, and early intervention in the regular general education program. By expanding the duties of a local educational agency, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 56337.5 of the Education Code is  
2 amended to read:  
3 56337.5. (a) (1) (A) On or before June 30, 2022, the board  
4 shall establish an approved list of *evidence-based* culturally,  
5 linguistically, and developmentally appropriate screening  
6 instruments to be used by a local educational agency to screen  
7 pupils for risk of dyslexia. The areas to be screened by approved  
8 instruments shall include, but not be limited to, all of the following:  
9 (i) Phonological and phonemic awareness, including phoneme  
10 blending, phoneme segmenting, and phoneme manipulation tasks.  
11 (ii) Sound-symbol recognition and symbol-sound recognition.  
12 (iii) Alphabet knowledge.  
13 (iv) Decoding skills, including real and nonsense words.

1 (v) Rapid automatized naming, with letters, digits, objects, or  
2 colors.

3 (B) This paragraph does not prohibit the board from periodically  
4 adding to the list described in subparagraph (A).

5 (2) (A) Beginning in the 2022–23 school year, and annually  
6 thereafter, a local educational agency serving pupils in any of the  
7 grades kindergarten to grade 2, inclusive, shall screen each pupil  
8 in kindergarten to grade 2, inclusive, for risk of dyslexia by using  
9 a state-approved instrument or instruments with fidelity, as  
10 identified in paragraph (1), within 90 calendar days from the start  
11 of instruction for the school year, unless objected to in writing by  
12 the pupil’s parent or guardian.

13 (B) During the 2022–23 school year, a local educational agency  
14 serving pupils in grade 3 shall conduct the screening described in  
15 subparagraph (A) on each pupil in grade 3, in order to identify and  
16 provide support to pupils at risk of dyslexia and experiencing  
17 significant learning loss due to the COVID-19 pandemic.

18 (3) Results from the screening shall be made available to the  
19 pupil’s parent or guardian in a timely manner, but no more than  
20 45 calendar days from administering the screening, and shall  
21 include information as to how the parent or guardian can access,  
22 on the department’s internet website, information about the  
23 Multi-Tiered System of Supports, and the California Dyslexia  
24 Guidelines developed by the Superintendent pursuant to Section  
25 56335.

26 (4) If a pupil from another state enrolls for the first time in any  
27 of the grades kindergarten to grade 2, inclusive, or in grade 3 during  
28 the 2022–23 school year, in the middle of the school year, the local  
29 educational agency shall screen the pupil for risk of dyslexia by  
30 using a state-approved instrument or instruments with fidelity, as  
31 identified in paragraph (1), within 30 calendar days of enrollment,  
32 unless the parent or guardian objects in writing or presents  
33 documentation that the pupil had a similar screening in their prior  
34 state of residence and the parent or guardian was made aware of  
35 the results.

36 (5) Screening pursuant to this subdivision shall not be considered  
37 an evaluation to establish eligibility for special education and  
38 related services pursuant to the federal Individuals with Disabilities  
39 Education Act (20 U.S.C. Sec. 1400 et seq.), or an evaluation to

1 determine eligibility for a plan pursuant to Section 504 of the  
2 federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

3 (6) It is the intent of the Legislature that results from the  
4 screening pursuant to this subdivision and the California Dyslexia  
5 Guidelines developed pursuant to Section 56335 be available for  
6 use by teachers and by parents and guardians in order to provide  
7 knowledge of the characteristics exhibited by pupils with dyslexia  
8 and related learning differences, to provide knowledge of the  
9 instructional strategies that can be successfully used with pupils  
10 at risk for dyslexia, and to help parents and guardians understand  
11 their rights.

12 (7) A local educational agency shall provide a pupil identified  
13 as being at risk for dyslexia pursuant to this subdivision with  
14 appropriate instruction, progress monitoring, and early intervention  
15 in the regular general education program. A local educational  
16 agency may also provide additional support and referrals, as  
17 recommended in the California Dyslexia Guidelines and the  
18 English Language Arts/English Language Development  
19 Framework.

20 (b) A pupil who is assessed as being dyslexic and meets  
21 eligibility criteria specified in Section 56337 and paragraph (10)  
22 of subdivision (b) of Section 3030 of Title 5 of the California Code  
23 of Regulations for the federal Individuals with Disabilities  
24 Education Act (20 U.S.C. Sec. 1400 et seq.) category of specific  
25 learning disabilities is entitled to special education and related  
26 services.

27 (c) (1) If a pupil who exhibits the characteristics of dyslexia or  
28 another related reading dysfunction is not found to be eligible for  
29 special education and related services pursuant to subdivision (b),  
30 the pupil's instructional program shall be provided in the regular  
31 education program. Under existing law, the pupil may be eligible  
32 for a plan pursuant to Section 504 of the federal Rehabilitation  
33 Act of 1973 (29 U.S.C. Sec. 794).

34 (2) Local educational agencies are encouraged to use structured  
35 literacy instruction, as recommended by the California Dyslexia  
36 Guidelines, and progress monitoring, as recommended in the  
37 English Language Arts/English Language Development  
38 Framework, as appropriate, for these pupils in the regular education  
39 program.

40 (d) For purposes of this section, the following definitions apply:

1 (1) “Local educational agency” means a school district, county  
2 office of education, or charter school.

3 (2) “Screening instrument” means a brief tool administered by  
4 an appropriately trained school employee, including, but not limited  
5 to, a certificated teacher of record, measuring discrete skills to  
6 determine risk for dyslexia and possible need for early intervention,  
7 including, but not limited to, structured literacy instruction,  
8 progress monitoring, and early intervention as a component of the  
9 Multi-Tiered System of Supports.

10 SEC. 2. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.