



SB-691 Dyslexia risk screening. (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 691

Introduced by Senator Portantino
(Principal coauthors: Senators Caballero and Wilk)
(Principal coauthors: Assembly Members Juan Carrillo, Gipson, and Pacheco)
(Coauthors: Senators Alvarado-Gil, Cortese, Dahle, Dodd, Limón, Ochoa Bogh, Roth, Stern, Umberg, and Wiener)
(Coauthors: Assembly Members Addis, Arambula, Bains, Bauer-Kahan, Berman, Calderon, Connolly, Gallagher, Jackson, Lackey, Low, Mathis, Stephanie Nguyen, Petrie-Norris, Luz Rivas, Blanca Rubio, Wallis, and Wilson)

February 16, 2023

An act to add Chapter 15.6 (commencing with Section 53009) to Part 28 of Division 4 of Title 2 of the Education Code, relating to instructional programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 691, as introduced, Portantino. 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, 2024, 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, commencing with the 2024–25 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 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 of dyslexia with evidence-based literacy 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Research from multiple scientific studies is unequivocal: early identification and intervention with evidence-based early literacy instructional strategies and materials improves literacy outcomes for students at risk of or with dyslexia and other struggling readers.

(b) Dyslexia is the most common learning disability with at least 10 percent of the general population having dyslexia, while some estimate it to be over 15 percent. Unfortunately, hundreds of thousands of California pupils on the dyslexia spectrum struggle every day with reading at grade level, often without the proper identification and support.

(c) Pupils with dyslexia are less likely to graduate high school and attend college, and also experience higher rates of incarceration. In some prisons today, where nearly 80 percent of the inmates are illiterate, almost one-half of the inmates are on the dyslexia spectrum.

(d) The lack or delay in screening of struggling readers and pupils at risk of dyslexia results in unnecessary delays in receiving appropriate support and intervention. Due to these delays, the academic gap and learning loss in core content is often very difficult to overcome even after significant cost and interventions.

(e) According to the National Center on Improving Literacy, forty states have passed legislation requiring screening for risk of dyslexia.

(f) By screening all pupils for risk of dyslexia early, California can help families and teachers achieve the best learning and life outcomes for all pupils, close academic achievement gaps, and help end the school-to-prison pipeline.

SEC. 2. Chapter 15.6 (commencing with Section 53009) is added to Part 28 of Division 4 of Title 2 of the Education Code, to read:

CHAPTER 15.6. Screening for Risk of Dyslexia

53009. (a) (1) (A) On or before June 30, 2024, the state board shall establish an approved list of evidence-based culturally, linguistically, and developmentally appropriate screening instruments to be used by a local educational agency to screen pupils for risk of dyslexia. The areas to be screened by approved instruments shall include, but not be limited to, all of the following as developmentally and linguistically appropriate:

(i) Phonological and phonemic awareness, including phoneme blending, phoneme segmenting, and phoneme manipulation tasks.

(ii) Sound-symbol recognition and symbol-sound recognition.

(iii) Alphabet knowledge.

(iv) Decoding skills, including real and nonsense words.

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

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

(2) (A) Commencing with the 2024–25 school year, and annually thereafter, a local educational agency serving pupils in any of the grades kindergarten to grade 2, inclusive, shall screen each pupil in kindergarten to grade

2, inclusive, for risk of dyslexia by using a state-approved instrument or instruments with fidelity, as identified in paragraph (1), within 90 calendar days from the start of instruction for the school year, unless objected to in writing by the pupil's parent or guardian.

(B) When screening English learners, factors, including, but not limited to, English language acquisition status, home language, and language of instruction shall be considered.

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

(4) If a pupil enrolls for the first time in any of the grades kindergarten to grade 2, inclusive, after the screening has been administered pursuant to paragraph (2), the local educational agency shall screen the pupil for risk of dyslexia by using a state-approved instrument or instruments with fidelity, as identified in paragraph (1), within 30 calendar days of enrollment, unless the parent or guardian objects in writing or presents documentation that the pupil had a similar screening in their prior school and the parent or guardian was made aware of the results.

(5) Screening pursuant to this subdivision shall not be considered an evaluation to establish eligibility for special education and related services pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or an evaluation to determine eligibility for a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

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

(7) A local educational agency shall provide a pupil identified as being at risk of dyslexia pursuant to this subdivision with evidence-based literacy instruction, progress monitoring, and early intervention in the regular general education program. A local educational agency may also provide additional support and referrals, as recommended in the California Dyslexia Guidelines, the English Language Arts/English Language Development Framework, and the California Multi-Tiered System of Supports. Local educational agencies are encouraged to use a structured literacy approach to instruction as recommended by the California Dyslexia Guidelines.

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

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

(2) "Screening instrument" means a brief tool administered by an appropriately trained school employee, including, but not limited to, a certificated teacher of record, measuring discrete areas to determine risk of dyslexia and possible need for early intervention.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.