



# Ohio Legislative Service Commission

## Final Analysis

Hannah K. Wann

### Sub. H.B. 96

129th General Assembly  
(As Passed by the General Assembly)

- Reps.** Celeste and Brenner, Stebelton, Amstutz, Garland, Foley, Letson, Weddington, Pillich, Dovilla, Patmon, Ramos, Hollington, Phillips, Lundy, Thompson, O'Brien, Yuko, Murray, Williams, Stinziano, Stautberg, Antonio, Reece, Hagan, Fende, Snitchler, Fedor, Milkovich, Clyde, Winburn, R. Adams, Balderson, Barnes, Beck, Blair, Blessing, Buchy, Budish, Butler, Carney, DeGeeter, Derickson, Driehaus, Gentile, Gerberry, Goyal, Hackett, C. Hagan, Hall, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, McClain, McKenney, Mecklenborg, Newbold, Okey, Peterson, Schuring, Slaby, Slesnick, Sykes, Szollosi, Young, Batchelder
- Sens.** Hite, Obhof, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Gentile, Jones, Kearney, Oelslager, Patton, Sawyer, Skindell, Smith, Tavares, Wagoner, Widener

**Effective date:** March 22, 2012

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## ACT SUMMARY

- Requires the Superintendent of Public Instruction to establish a pilot project for school districts to test the delivery of early screening and intervention services for children with risk factors for dyslexia.
- Requires the state Superintendent to evaluate the pilot project and report results to the General Assembly.
- Specifies in state statute that dyslexia is a learning disability for which a child may receive special education services.

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## CONTENT AND OPERATION

### Dyslexia pilot project

The act requires the Superintendent of Public Instruction to establish a pilot project involving school districts to provide early screening and intervention services for children with risk factors for dyslexia. The pilot project must operate for three full school years, beginning with the 2012-2013 school year. In the middle of the third year,

the state Superintendent must submit an evaluation of the pilot project to the General Assembly (see "**Pilot project evaluation**" below). The specified goal of the pilot project is to "demonstrate and evaluate the effectiveness of early reading assistance programs for children with risk factors for dyslexia and to evaluate whether those programs can reduce future special education costs."<sup>1</sup>

The state Superintendent must select three school districts to participate in the pilot project on a voluntary basis, but one of the districts must be located in an urban setting, one in a suburban setting, and one in a rural setting. To be considered for the pilot project, a school district must submit a proposal to the state Superintendent that (1) identifies a method of screening children for low phonemic awareness and other risk factors for dyslexia, (2) provides for the enrollment of children identified as having risk factors in a reading program staffed by teachers trained in multisensory structured language programs, and (3) includes a methodology for evaluating the reading program's effects on the children's identified risk factors. A school district selected by the state Superintendent may establish a partnership with a regional library or library system for purposes of the pilot project.

While the act does not provide funding for the pilot project, it requires the state Superintendent to apply for private and other nonstate funds, and to use whatever state funds are available to the Department of Education, to support the pilot project. In addition, the state Superintendent must consult with the International Dyslexia Association or any other nationally recognized organization that specializes in multisensory structured language programs for the treatment of dyslexia in establishing and operating the pilot project.<sup>2</sup>

### **Duties of participating districts**

Each school district participating in the pilot project must screen children who are six years old or younger for indications of dyslexia and provide those suspected of having dyslexia with reading intervention services. After providing those early intervention services, the district must administer assessments, approved by the state Superintendent, to ascertain whether the intervention services have improved students' reading and learning.

When a child is suspected of having dyslexia, the school district must notify the child's parent of that fact and that the child is eligible for reading intervention services through the pilot project. The district must require the parent to indicate in writing that

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<sup>1</sup> R.C. 3323.25(A).

<sup>2</sup> R.C. 3323.25(A).

the parent voluntarily and knowingly consents to the child's participation in the pilot project. Moreover, the district must provide the parent information about dyslexia, recommended multisensory treatments for it, and possible services under state and federal special education law.

Finally, each participating district is required to report annually to the state Superintendent about the operation and results of the pilot project to facilitate the Superintendent's evaluation of it.<sup>3</sup>

### **Pilot project evaluation**

The act requires the state Superintendent to evaluate the pilot project and report its results to the General Assembly by December 31, 2014, which will be the mid-point of the third school year in which the pilot project is operating. The report also must contain legislative recommendations whether to continue, expand, or make changes to the pilot project.<sup>4</sup>

### **Definition of "dyslexia"**

For purposes of the pilot project, the act defines dyslexia as "a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person's intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language."<sup>5</sup>

### **Statutory specification that dyslexia is a learning disability**

The act adds a recognition in state statute that "dyslexia" is a learning disability for which a child may receive special education services.<sup>6</sup>

Both federal and continuing state law define a "child with a disability" as a person between 3 and 22 years old who has one or more prescribed learning, physical, or developmental disabilities and, because of that identified disability, needs special education instructional and related services.<sup>7</sup> Federal statutory law, federal

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<sup>3</sup> R.C. 3323.25(B).

<sup>4</sup> R.C. 3323.25(C).

<sup>5</sup> R.C. 3323.25(D).

<sup>6</sup> R.C. 3323.01.

<sup>7</sup> R.C. 3323.01(A) and 20 United States Code (U.S.C.) 1401(3).

administrative regulations, and the Ohio Administrative Code (the latter two of which also have the force of law) further delineate the disabilities for which a student may receive special services. In so doing, all three currently specify that (1) a child with a disability includes a child with a "specific learning disability" and (2) one of the recognized specific learning disabilities is dyslexia.<sup>8</sup> However, the prior state statutory definition did not specifically include dyslexia. The act adds to that statute a recognition that the term "specific learning disability" includes dyslexia.

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## HISTORY

ACTION	DATE
Introduced	02-10-11
Reported, H. Education	05-17-11
Passed House (94-1)	05-24-11
Reported, S. Education	11-30-11
Passed Senate (33-0)	12-14-11
House concurred in Senate amendments (90-0)	12-14-11

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<sup>8</sup> 20 U.S.C. 1401(3) and (30), 34 Code of Federal Regulations 300.8(a) and (c)(10), and Ohio Administrative Code 3301-51-01(B)(10)(d)(x).