



Ohio Legislative Service Commission

Bill Analysis

Jennifer Stump

Sub. H.B. 96

129th General Assembly
(As Reported by S. Education)

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

BILL 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.

CONTENT AND OPERATION

Dyslexia pilot project

The bill 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 school year that begins at least three months after the bill's effective date. 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."¹

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 bill 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.²

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 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,

¹ R.C. 3323.25(A).

² R.C. 3323.25(A).

recommended multisensory treatments for it, and possible services under state and federal law. (See "**Background on IDEA**" below.)

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.³

Pilot project evaluation

The bill requires the state Superintendent to evaluate the pilot project and report its results to the General Assembly by December 31 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.⁴

Definition of "dyslexia"

For purposes of the pilot project, the bill 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."⁵

Statutory specification that dyslexia is a learning disability

The bill adds a recognition in state statute that "dyslexia" is a learning disability for which a child may receive special education services.⁶

Both federal and 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.⁷ Federal statutory law, federal 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

³ R.C. 3323.25(B).

⁴ R.C. 3323.25(C).

⁵ R.C. 3323.25(D).

⁶ R.C. 3323.01.

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

includes a child with a "specific learning disability" and (2) one of the recognized specific learning disabilities is dyslexia.⁸ However, the state statutory definition does not specifically include dyslexia. The bill adds to that statute a recognition that the term "specific learning disability" includes dyslexia.

Background on IDEA

The federal Individuals with Disabilities Education Act (IDEA) requires each state that receives federal funding to ensure that the state and local education agencies identify children with disabilities and offer them a "free appropriate public education" (often referred to as "FAPE").⁹ In Ohio, a "local education agency" (LEA) is a city, exempted village, or local school district, a community school, or a STEM school.¹⁰ The LEA must provide special education and related services in accordance with the student's "individualized education program" (generally called the student's "IEP"). The IEP is a document uniquely developed for each student that prescribes the special services needed by that student to benefit from education.¹¹

The state has implemented the federal provisions through R.C. Chapter 3323, and Chapter 3301-51 of the Ohio Administrative Code. But the mandate for services to children with disabilities and the details about how those services must be provided, including due process procedures, are mostly a matter of federal statutory law and administrative regulations.

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

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⁸ 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).

⁹ 20 U.S.C. 1400 *et seq.* See also R.C. 3323.02, not in the bill.

¹⁰ R.C. 3323.01(L), 3323.012, and 3326.12 (latter two not in the bill).

¹¹ R.C. 3323.011, not in the bill.