

2023 Regular Session

HOUSE BILL NO. 69

BY REPRESENTATIVES MARINO, BISHOP, BRASS, COX, FREEMAN, FREIBERG,  
HARRIS, JEFFERSON, LYONS, MCKNIGHT, NELSON, PHELPS, PRESSLY,  
ST. BLANC, AND VILLIO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Provides for the screening and diagnosis of students with respect to dyslexia

1 AN ACT

2 To amend and reenact R.S. 17:7.2(A)(8)(a)(iii), 392.1(D), and 2112(Section heading), to

3 enact Part VI-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950,

4 to be comprised of R.S. 17:392.11 through 392.13, and 3996(B)(75), and to repeal

5 R.S. 17:7(11), 392.1(B)(2)(a) and (3) and (F), 392.2, and 2112(A)(2) and (B),

6 relative to the screening and diagnosis of students; to provide for screening and

7 diagnosis with respect to dyslexia; to require the State Board of Elementary and

8 Secondary Education to adopt related rules; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:7.2(A)(8)(a)(iii), 392.1(D), and 2112(Section heading) are hereby

11 amended and reenacted and Part VI-B of Chapter 1 of Title 17 of the Louisiana Revised

12 Statutes of 1950, comprised of R.S. 17:392.11 through 392.13, and 3996(B)(75) are hereby

13 enacted to read as follows:

14 §7.2. Approved teacher education programs

15 A. In carrying out its responsibility to prescribe the qualifications and

16 provide for the certification of teachers under authority of R.S. 17:7(6), the State

17 Board of Elementary and Secondary Education, subject to the constitutional power

18 and authority of the Board of Regents, the Board of Supervisors for the University

19 of Louisiana System, the Board of Supervisors of Louisiana State University and

1 Agricultural and Mechanical College, and the Board of Supervisors of Southern  
2 University and Agricultural and Mechanical College, shall establish qualifications  
3 and requirements for the approval of teacher education programs from which  
4 graduates may be certified. The qualifications and requirements established by the  
5 State Board of Elementary and Secondary Education for an approved teacher  
6 education program shall include but not be limited to the following:

7 \* \* \*

8 (8)(a) That the program include no less than three credit hours on teaching  
9 students with dyslexia within the existing credit hour requirements. The coursework  
10 shall include but need not be limited to the following:

11 \* \* \*

12 (iii) An introduction to the process of becoming a dyslexia practitioner or  
13 dyslexia therapist, pursuant to ~~R.S. 17:392.2~~ R.S. 17:392.12.

14 \* \* \*

15 §392.1. Screening and intervention; purpose; applicability; city and parish school  
16 system; duties

17 \* \* \*

18 D. Children in need of services ~~and/or~~ or assistance shall have it provided  
19 to them. ~~Services for disorders shall be provided in accordance with R.S. 17:7(11).~~  
20 Children who are referred for further evaluation shall be provided further evaluation  
21 in accordance with Chapter 8 of this Title. ~~Children who are in need of assistance~~  
22 ~~shall have it provided to them in accordance with this Part.~~

23 \* \* \*

24 PART VI-B. DYSLEXIA

25 §392.11. Dyslexia; screening, diagnosis, and reporting

26 A. As used in this Part:

27 (1) "Dyslexia" means an unexpected difficulty in reading for an individual  
28 who has the intelligence to be a much better reader, most commonly caused by a

1 difficulty in phonological processing, which affects the ability of an individual to  
2 speak, read, and spell.

3 (2) "Phonological processing" means the appreciation of the individual  
4 sounds of spoken and written language.

5 B.(1) A dyslexia screener shall be administered to each student by a  
6 classroom teacher in the second half of kindergarten or upon request of a teacher or  
7 a parent or legal guardian. This screener shall not be a progress monitoring tool but  
8 shall:

9 (a) Be developed solely for dyslexia.

10 (b) Be evidence-based with proven, published psychometric validity.

11 (c) Be used for the sole purpose of determining whether a student is at-risk  
12 for dyslexia.

13 (2) If the results of such screening indicate that a student is at risk for  
14 dyslexia, then the school, in order to determine whether he has dyslexia, shall  
15 determine through history, observation, and psychometric assessment if there are  
16 unexpected difficulties in reading and associated linguistic problems at the level of  
17 phonological processing that are unrelated to the student's intelligence, age, and  
18 grade level.

19 (3) The core assessment for the diagnosis of dyslexia shall not be based on  
20 a single test score or specific number of characteristics and shall include all of the  
21 following:

22 (a) Tests of language, particularly phonemic assessment, real words and  
23 pseudowords, oral reading fluency, and intellectual ability.

24 (b) An academic performance review.

25 (c) An interview with the student's parent or legal guardian.

26 C.(1) Each public school governing authority shall submit a report to the  
27 state Department of Education by December fifteenth annually relative to the  
28 occurrence of dyslexia. The report shall include numbers of students of all grade

1 levels identified as dyslexic, either pursuant to the provisions of this Section or by  
2 any other means, and shall include, per grade, all of the following:

3 (a) For students identified as dyslexic through a Section 504 Plan:

4 (i) The number initially identified during the preceding school year.

5 (ii) The total number.

6 (b) For students with an Individualized Education Plan identified as having  
7 a specific learning disability, dyslexia:

8 (i) The number initially identified during the preceding school year.

9 (ii) The total number.

10 (2) The state Department of Education shall compile the reports received  
11 pursuant to Paragraph (1) of this Subsection and report such data to the House  
12 Committee on Education and the Senate Committee on Education no later than  
13 March first annually.

14 (3) Notwithstanding Paragraph (1) of this Subsection, if the number of  
15 students in a grade level identified as dyslexic is not zero and not more than ten, the  
16 report shall not indicate an exact number but shall indicate that there are fewer than  
17 eleven students in the grade identified as dyslexic.

18 §392.12. Dyslexia practitioner; dyslexia therapist; ancillary certificates

19 A. The State Board of Elementary and Secondary Education shall develop  
20 the criteria whereby a teacher may be issued a dyslexia practitioner ancillary  
21 certificate or a dyslexia therapist ancillary certificate.

22 B. In addition to any other criteria established by the board, in order to be  
23 issued an ancillary certificate pursuant to this Section, a teacher shall:

24 (1) Hold a valid Louisiana teaching certificate.

25 (2) Demonstrate completion of a multisensory structured language training  
26 program accredited by a nationally recognized accrediting organization, which shall  
27 include:

1 (a) For the dyslexia practitioner ancillary certificate, forty-five hours of  
2 coursework and sixty hours of clinical work that is observed and monitored by a  
3 qualified professional.

4 (b) For the dyslexia therapist ancillary certificate, two hundred hours of  
5 coursework and seven hundred hours of clinical work that is observed and monitored  
6 by a qualified professional.

7 (3) Pass a multisensory structured language education-related competency  
8 examination that is administered by a nationally recognized professional  
9 organization that issues national certifications.

10 §392.13. Administrative rules

11 The State Board of Elementary and Secondary Education shall promulgate  
12 rules to implement the provisions of this Part in accordance with the Administrative  
13 Procedure Act.

14 \* \* \*

15 §2112. Testing pupils' sight and hearing; ~~testing for dyslexia~~; notice to parent or  
16 tutor; report to state superintendent

17 \* \* \*

18 §3996. Charter schools; exemptions; requirements

19 \* \* \*

20 B. Notwithstanding any state law, rule, or regulation to the contrary and  
21 except as may be otherwise specifically provided for in an approved charter, a  
22 charter school established and operated in accordance with the provisions of this  
23 Chapter and its approved charter and the school's officers and employees shall be  
24 exempt from all statutory mandates or other statutory requirements that are  
25 applicable to public schools and to public school officers and employees except for  
26 the following laws otherwise applicable to public schools with the same grades:

27 \* \* \*

28 (75) Dyslexia screening, diagnosis, and reporting, R.S. 17:392.11.

29 \* \* \*

- 1 Section 2. R.S. 17:7(11), 392.1(B)(2)(a) and (3) and (F), 392.2, and 2112(A)(2) and  
2 (B) are hereby repealed in their entirety.

### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 69 Engrossed

2023 Regular Session

Marino

**Abstract:** Revises laws relative to screening for and diagnosis of dyslexia.

### Dyslexia generally

Present law, relative to dyslexia, provides the following:

- (1) Requires the State Bd. of Elementary and Secondary Education (BESE) to adopt a program for testing students for dyslexia and related disorders and requires school boards to provide remediation for dyslexic students in accordance with the program.
- (2) Requires every child in grades K-3 to be screened at least once for dyslexia.
- (3) Requires a student to be referred for dyslexia testing upon request of a parent, student, school nurse, classroom teacher, or other school personnel.
- (4) Provides for implementation of a pilot program relative to dyslexia screening.

Proposed law repeals present law and provides the following relative to dyslexia:

### Definitions

Present law defines "dyslexia" as an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, which affects the ability of an individual to speak, read, and spell. Defines "phonological processing" as meaning the appreciation of the individual sounds of spoken and written language. Proposed law retains present law.

### Screening

Proposed law requires a dyslexia screener to be administered to each student by a classroom teacher in the second half of kindergarten or at any time it is requested by a teacher or a parent or guardian. Prohibits the screener from being a progress monitoring tool and requires that it be developed solely for dyslexia; be evidence-based with proven, published psychometric validity; and be used for the purpose of determining whether a student is at-risk for dyslexia.

### Diagnosis

Proposed law, relative to diagnosis, provides the following:

- (1) Provides that if screening results indicate that a student is at risk for dyslexia, the school, in order to determine whether he has dyslexia, shall determine through history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level.

- (2) Provides that the core assessment for the diagnosis of dyslexia shall not be based on a single test score or specific number of characteristics and shall include the following:
- (a) Tests of language, particularly phonemic assessment, real words and pseudowords, oral reading fluency, and intellectual ability.
  - (b) An academic performance review.
  - (c) A parental interview.

### **Reporting and ancillary certification**

Present law provides for reporting relative to students with dyslexia and provides for the issuance of an ancillary certificate to a teacher for service as a dyslexia practitioner or dyslexia therapist. Proposed law retains present law but recodifies it for purposes of statutory organization.

### **Applicability**

Proposed law applies proposed law (relative to dyslexia screening and diagnosis) and present law (relative to dyslexia reporting) to all public schools, including charter schools.

### **Rules**

Proposed law requires BESE to promulgate rules to implement proposed law in accordance with the Administrative Procedure Act.

(Amends R.S. 17:7.2(A)(8)(a)(iii), 392.1(D), and 2112(Section heading); Adds R.S. 17:392.11-392.13 and 3996(B)(75); Repeals R.S. 17:7(11), 392.1(B)(2)(a) and (3) and (F), 392.2, and 2112(A)(2) and (B)

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Apply proposed law and present law relative to dyslexia (screening, diagnosis, and reporting) to charter schools.