

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
HOW TO MEET THE NEEDS OF CHILDREN WITH DYSLEXIA
OCTOBER 2016**

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing How to Meet the Needs of Children with Dyslexia.
- 1.02 The purpose of these rules is to establish guidelines for early screening, intervention and services to meet the educational needs of students with dyslexia.
- 1.03 Further clarification, guidance, and instruction regarding the applicable law and these rules is provided in the Arkansas Dyslexia Resource Guide, which can be accessed through the ADE's website.

2.00 AUTHORITY

- 2.01 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-41-601 through 6-41-610, and 25-15-201 *et seq.*
- 2.02 NOTE: These rules set forth the procedures outlined in Ark. Code Ann. §§ 6-41-601 through 6-41-610 regarding screening, evaluation, and services for students with dyslexia or characteristics of dyslexia who may or may not otherwise qualify for special education services under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 *et seq.* Students may display additional factors that complicate their dyslexia and may require more support than what may be provided for in these rules. At any time during the administration of the procedures set forth in these rules, students may be referred for evaluation for special education services in accordance with IDEA. While these rules may use similar terms as set forth in IDEA, no provision of these rules is intended to supplant, or in any way conflict with, IDEA. If a student with dyslexia is referred for special education services, public schools shall follow the requirements of IDEA. Also, school districts must continue to follow all requirements and meet all obligations to its students under § 504 of the Rehabilitation Act, as amended, 29 U.S.C. § 794.

3.00 DEFINITIONS

- 3.01 "Dyslexia" means a specific learning disability that is:
 - 3.01.1 Neurological in origin;

- 3.01.2 Characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language; and
 - 3.01.3 Often unexpected in relation to other cognitive abilities.
- 3.02 “Dyslexia interventionist” means a school district or public school employee trained in a dyslexia program, such as a:
- 3.02.1 Dyslexia therapist;
 - 3.02.2 Dyslexia specialist;
 - 3.02.3 Reading interventionist;
 - 3.02.4 Certified teacher; or
 - 3.02.5 Tutor or paraprofessional working under the supervision of a certified teacher.
- 3.03 “Dyslexia program” means explicit, direct instruction that is:
- 3.03.1 Systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;
 - 3.03.2 Systematic, multisensory, and research-based;
 - 3.03.3 Offered in a small group setting to teach students the components of reading instruction, including without limitation:
 - 3.03.3.1 Phonemic awareness to enable a student to detect, segment, blend, and manipulate sounds in spoken language;
 - 3.03.3.2 Graphophonemic knowledge for teaching the letter-sound plan of English;
 - 3.03.3.3 The structure of the English language that includes morphology, semantics, syntax, and pragmatics;
 - 3.03.3.4 Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and

- 3.03.3.5 Strategies that students use for decoding, encoding, word recognition, fluency, and comprehension.
- 3.03.4 Delivered with fidelity. “Fidelity” means the intervention is done as the author of the program intended.
- 3.04 “Dyslexia specialist” means:
 - 3.04.1 A professional at each education service cooperative or school district who has expertise and is working towards an endorsement or certification in providing training for:
 - 3.04.1.1 Phonological and phonemic awareness;
 - 3.04.1.2 Sound and symbol relationships;
 - 3.04.1.3 Alphabet knowledge;
 - 3.04.1.4 Decoding skills;
 - 3.04.1.5 Rapid naming skills; and
 - 3.04.1.6 Encoding skills.
 - 3.04.2 A dyslexia specialist shall be fluent in the Response to Intervention (RTI) process and provide training in administering screenings, analyzing and interpreting screening data, and determining appropriate interventions that are systematic, multisensory, and evidence-based.
- 3.05 “Dyslexia therapist” means a professional who has completed training and obtained certification in dyslexia therapy from a dyslexia therapy training program defined by the Arkansas Department of Education.
- 3.06 “Dyslexia therapy” means an appropriate specialized reading instructional program specifically designed for use in a dyslexia program that is delivered by a dyslexia interventionist.
- 3.07 “Response to Intervention (RTI)” is the practice of:
 - 3.07.1 Screening students to identify those needing extra support;
 - 3.07.2 Providing high-quality instruction and appropriate interventions matched to student needs;

- 3.07.3 Closely monitoring progress to assess both the learning rate and the level of performance of individual students; and
- 3.07.4 Basing instructional decisions about the intensity and duration of interventions on individual student response to intervention.

4.00 REQUIRED SCREENING

- 4.01 A school district shall screen:
 - 4.01.1 Each student in kindergarten, grade one, and grade two (K-2);
 - 4.01.2 A student in kindergarten, grade one, or grade two (K-2) who transfers to a new school and has not been screened during the same school year;
 - 4.01.3 A student in grade three (3) or higher who has difficulty, as noted by a classroom teacher, in any skills listed in 4.02 of these rules;
 - 4.01.4 A student from another state who enrolls for the first time in Arkansas in kindergarten through grade two (K-2) unless the student presents documentation that the student:
 - 4.01.4.1 Had the screening or a similar screening in the current school year; or
 - 4.01.4.2 Is exempt from screening as set forth in Section 4.05 of these Rules.
- 4.02 The screening of students shall be performed with fidelity and include without limitation:
 - 4.02.1 Phonological and phonemic awareness;
 - 4.02.2 Sound symbol recognition;
 - 4.02.3 Alphabet knowledge;
 - 4.02.4 Decoding skills;
 - 4.02.5 Rapid naming skills; and
 - 4.02.6 Encoding skills
- 4.03 Every school district shall ensure that students are screened using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or an

equivalent screener for phonological and phonemic awareness, sound symbol recognition, alphabet knowledge, and decoding skills, and by using an appropriate screener for rapid naming skills and encoding skills.

NOTE: DIBELS may indicate characteristics of a reading deficiency, which may include characteristics of dyslexia. DIBELS alone may be insufficient to determine the existence of dyslexia. Additional screening assessments will need to be administered to measure components that are not measured by DIBELS or the equivalent screener. Refer to the Arkansas Dyslexia Resource Guide for a list of screening instruments.

- 4.04 If the screener(s) used under section 4.03 shows that a student is at risk, or at some risk, then a Level I dyslexia screener shall be administered. The Level I dyslexia screening of a student shall be performed with fidelity and include the components listed under section 4.02.
- 4.05 The following students shall be exempt from dyslexia screening:
 - 4.04.1 Students with an existing diagnosis of dyslexia for whom the school district is providing interventions;
 - 4.04.2 Students with a sensory impairment that prevents screening for dyslexia.

5.00 INTERVENTION AND SERVICES

- 5.01 If the initial, Level I, or Level II dyslexia screening indicates that a student exhibits characteristics of dyslexia, the Response to Intervention (RTI) process shall be used to address the needs of the student.
- 5.02 If the Level II dyslexia screening conducted by the school district indicates that a student exhibits characteristics of dyslexia, the student shall be provided intervention services.
- 5.03 If it is determined the student has functional difficulties in the academic environment due to characteristics of dyslexia, the necessary accommodations or equipment for the student shall be provided under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12165, as they existed on February 1, 2013, if qualified under the applicable federal law.

6.00 INDEPENDENT, COMPREHENSIVE DYSLEXIA EVALUATION

- 6.01 If a student's performance on an initial screener, Level I screening, or Level II dyslexia screening under Section 4.00 of these rules indicate a need for dyslexia intervention services, the student's parent or legal guardian shall be:
- 6.01.1 Notified of the results of the dyslexia evaluation;
 - 6.01.2 Provided with information and resource materials including without limitation:
 - 6.01.2.1 The characteristics of dyslexia;
 - 6.01.2.2 Appropriate classroom interventions and accommodations for students with dyslexia; and
 - 6.01.2.3 The right of the parent or legal guardian to have the student receive an independent, comprehensive dyslexia evaluation by a:
 - 6.01.2.3.1 Licensed psychological examiner;
 - 6.01.2.3.2 School psychology specialist;
 - 6.01.2.3.3 Licensed speech-language pathologist;
 - 6.01.2.3.4 Certified dyslexia testing specialist; or
 - 6.01.2.3.5 Dyslexia therapist.
- 6.02 If a parent or legal guardian chooses to have an independent comprehensive dyslexia evaluation for the student, the parent or legal guardian shall:
- 6.02.1 Select an individual qualified under section 6.01.2.3 to perform the comprehensive dyslexia evaluation; and
 - 6.02.2 Cover the cost of the comprehensive dyslexia evaluation.
- 6.03 A school district shall consider the diagnosis from the independent comprehensive dyslexia evaluation and provide the student with interventions determined to be appropriate by the school district from a district dyslexia interventionist. If the school district does not provide

intervention based upon the diagnosis, it must notify the student's parent or guardian of its reasoning.

NOTE: Whether an individual is qualified to conduct an evaluation or provide a diagnosis is dependent upon their licensure.

7.00 INSTRUCTIONAL APPROACHES

7.01 Dyslexia intervention for a student whose dyslexia Level I or Level II screening under Section 5.02 of these rules indicates the need for dyslexia intervention services may include the following instructional approaches, but shall include all services deemed appropriate by the district:

7.01.1 Explicit, direct instruction that is systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;

7.01.2 Individualized instruction to meet the specific needs of the student in a small group setting that uses intensive, highly concentrated instruction methods and materials that maximize student engagement;

7.01.3 Meaning-based instruction directed at purposeful reading and writing, with an emphasis on comprehension and composition; and

7.01.4 Multisensory instruction that incorporates the simultaneous use of two (2) or more sensory pathways during teacher presentations and student practice.

7.02 Until there are a sufficient number of graduates from a dyslexia therapy program established at the university level in Arkansas or from a dyslexia therapy program established at the university level in another state that is approved by the Arkansas Department of Education, the department shall allow dyslexia therapy to be provided by individuals who have received training and certification from a program approved by the department.

8.00 REPORTING BY SCHOOL DISTRICTS

8.01 The superintendent of a school district shall annually report the results of the school district screening required under Section 4.00 of these rules. Additional information concerning the manner of submission of the report may be found in the Arkansas Dyslexia Resource Guide.

9.00 DYSLEXIA SPECIALIST

9.01 No later than the 2015 fiscal year, the Department of Education shall employ at least one (1) dyslexia specialist with a minimum of three (3) years of field experience in screening, identifying, and treating dyslexia and related disorders to provide technical assistance for dyslexia and related disorders to school districts across the state.

9.01.1 The dyslexia specialist shall:

- 9.01.1.1 Be highly trained in dyslexia and related disorders, including best-practice interventions and treatment models for dyslexia;
- 9.01.1.2 Be responsible for the accountability of screening results and the implementation of professional awareness required by Section 11.00 of these rules and
- 9.01.1.3 Serve as the primary source of information and support for school districts in addressing the needs of students with dyslexia and related disorders.

9.02 The Department of Education shall ensure at least one (1) staff member at each education service cooperative is trained as a dyslexia specialist to provide necessary information and support to school districts.

10.0 DYSLEXIA INTERVENTIONISTS

10.01 No later than the 2015-2016 academic year, a school district shall have at least one individual to serve as a dyslexia interventionist.

11.00 PROFESSIONAL AWARENESS

11.01 The Department of Education shall ensure that each teacher receives professional awareness on the following:

- 11.01.1 The characteristics of dyslexia; and
- 11.01.2 The evidence-based interventions and accommodations for dyslexia.

11.02 Professional awareness may be provided:

- 11.02.1 Online through Arkansas IDEAS;

- 11.02.2 At an education service cooperative; or
- 11.02.3 At another venue approved by the Department of Education.

12.00 EDUCATION IN TEACHER PREPARATION PROGRAMS

No later than the 2015-2016 school year, the Department of Education shall collaborate with the Department of Higher Education to ensure that all teacher education programs offered at state-supported institutions of higher education provide dyslexia professional awareness of the:

- 12.01 Characteristics of dyslexia; and
- 12.02 Evidence-based interventions and accommodations for dyslexia.

13.00 DYSLEXIA RESOURCE GUIDE

- 13.01 The Department of Education shall maintain a committee for the purpose of developing and updating the Dyslexia Resource Guide
- 13.02 The committee shall be appointed by the Commissioner of Education and include one (1) representative who has experience working in the field of dyslexia intervention from each of the following organizations:
 - 13.02.1 The Arkansas Association of Education Administrators;
 - 13.02.2 The Arkansas Department of Education, Division of Learning Services;
 - 13.02.3 The Arkansas Department of Higher Education;
 - 13.02.4 The Arkansas Education Association;
 - 13.02.5 The Arkansas School Boards Association;
 - 13.02.6 An Education Service Cooperative Administrator; and
 - 13.02.7 The Arkansas School Psychology Association.
 - 13.02.7.1 The committee member from the Arkansas School Psychology Association must have at least three (3) years of experience in testing for dyslexia.

- 13.03 The committee also shall include three (3) professionals who have worked in public schools and who are knowledgeable in and have expertise in dyslexia screening and interventions.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education
DIVISION Learning Services
PERSON COMPLETING THIS STATEMENT Lori Freno
TELEPHONE NO. 501/682-4234 **FAX NO.** 501/628-4249 **EMAIL:** lori.freno@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules Governing How To Meet The Needs Of Children With Dyslexia

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
N/A
- (b) The reason for adoption of the more costly rule;
N/A
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue 0
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue 0
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total 0

Total 0

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue Appx. \$60,000 (for Dyslexia Specialist)
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total Appx. \$60,000 (for Dyslexia Specialist)

General Revenue Appx. \$60,000 (for Dyslexia Specialist)
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total Appx. \$60,000 (for Dyslexia Specialist)

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ Zero

\$ Zero

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

Appx.
\$ \$60,000

Appx.
\$ \$60,000

This amount represents the minimum cost of the mandated dyslexia specialist to be employed at ADE.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.