

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2824

BY DELEGATE BARRETT

[Introduced March 02, 2021; Referred to the Committee on
Education then Finance]

1 A BILL to amend and reenact §18-20-10 of the Code of West Virginia, 1931, as amended, relating
 2 to public school education assessment of students for dyslexia and dyscalculia; specifying
 3 State Board of Education and local school boards responsibilities relating to dyslexia and
 4 dyscalculia.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-10. Dyslexia and dyscalculia defined; responsibilities of State Board of Education and local boards of education.

1 (a) The Legislature finds as follows:

2 (1) Reading difficulties are the most common cause of academic failure and
 3 underachievement;

4 (2) There are many students who demonstrate significant weaknesses with reading,
 5 writing and mathematics that are the root causes of specific learning disabilities, including
 6 dyslexia, dyscalculia and related learning difficulties. Of those who are referred to special
 7 education services in public schools, the majority are referred because of problems with language,
 8 reading, writing, or a combination of each;

9 (3) Teaching reading effectively, especially to students experiencing difficulty, requires
 10 considerable knowledge and skill. Informed and effective classroom instruction, especially in the
 11 early grades, can prevent and relieve the severity of language difficulties, and significantly
 12 improve literacy development;

13 (4) For those students with specific learning disabilities, including dyslexia and dyscalculia,
 14 who need specialized instruction, competent intervention can lessen the impact of the disorder
 15 and help the student overcome the most debilitating symptoms;

16 (5) While programs for specific learning disabilities, including dyslexia and dyscalculia,
 17 that certify or support teachers, clinicians or specialists differ in their preparation methodologies,
 18 teaching approaches and organizational purposes, they should ascribe to a common set of

19 professional standards for the benefit of the students they serve. Compliance with such standards
20 can assure the public that individuals who serve students with specific learning disabilities in
21 public schools are prepared to implement scientifically based and clinically proven practices;

22 (6) The American Psychiatric Association’s Diagnostic and Statistical Manual of Mental
23 Disorders, Fifth Edition (DSM-5), and the federal Individuals with Disabilities Education and
24 Improvement Act of 2004 (IDEA) offer widely-adopted and consistent standards to guide the
25 preparation, certification and professional development for teachers of reading and related literacy
26 skills in classroom, remedial and clinical settings; and

27 (7) The basis of ascribing to common standards to benefit students with specific learning
28 disabilities, including dyslexia and dyscalculia, requires recognizing common characteristics of
29 the disabilities. The Legislature finds that the definitions of dyslexia and dyscalculia prescribed by
30 IDEA and DSM-5 are the appropriate measure for recognizing characteristics of dyslexia and
31 dyscalculia in students.

32 (b) The Legislature recognizes the following regarding dyslexia and dyscalculia:

33 (1) Dyslexia and dyscalculia are conditions that may be considered under the specific
34 learning disability category, and their definitions are consistent with IDEA and state board policy.
35 State board policy provides that “specific learning disability” means a disorder in one or more of
36 the basic psychological processes involved in understanding or in using language, spoken or
37 written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or
38 to do mathematical calculations, including conditions such as perceptual disabilities, brain injury,
39 minimal brain dysfunction, dyslexia, and developmental aphasia;

40 (2) Dyslexia is an alternative term used to refer to a pattern of learning difficulties
41 characterized by problems with accurate or fluent word recognition, poor decoding, and poor
42 spelling abilities. If dyslexia is used to specify this particular pattern of difficulties, it is important
43 also to specify any additional difficulties that are present, such as difficulties with reading
44 comprehension or math reasoning; and

45 (3) Dyscalculia is an alternative term used to refer to a pattern of learning difficulties
46 characterized by problems processing numerical information, learning arithmetic facts, and
47 performing accurate or fluent calculations. If dyscalculia is used to specify this particular pattern
48 of mathematic difficulties, it is important also to specify any additional difficulties that are present,
49 such as difficulties with math reasoning or word reasoning accuracy.

50 ~~(c) The state board is responsible for the following:~~

51 ~~(1) Ensuring that all students receive the necessary and appropriate screenings,~~
52 ~~evaluations and early assessments for specific learning disabilities, including dyslexia and~~
53 ~~dyscalculia;~~

54 ~~(2) Ensuring that any Individualized Education Program regarding specific learning~~
55 ~~disabilities, including dyslexia or dyscalculia, which is developed or implemented, is consistent~~
56 ~~with the provisions of this section; and~~

57 ~~(3) Providing ongoing information and education to parents regarding specific learning~~
58 ~~disabilities, including dyslexia and dyscalculia, and the services available to students with such~~
59 ~~disabilities~~

60 (c) The State Board of Education shall:

61 (1) Develop and adopt informational materials and guidelines for students with dyslexia
62 and students with dyscalculia, including age-appropriate screening instruments, a comprehensive
63 assessment for students who exhibit potential indicators for dyslexia, dyscalculia, or other specific
64 learning disabilities, and guidelines on appropriate intervention strategies; and

65 (2) Provide informational materials and screening instruments to local boards of education
66 to identify students who exhibit potential indicators of dyslexia and dyscalculia.

67 (d) Each local board of education shall:

68 (1) Provide a system for parents to receive informational materials related to dyslexia and
69 dyscalculia on an annual basis;

70 (2) Ensure implementation of age-appropriate screening instruments for the early

- 71 identification of students with dyslexia and students with dyscalculia;
- 72 (3) Screen every kindergarten student enrolled for dyslexia and dyscalculia using the
- 73 screening instrument adopted by the state board;
- 74 (4) Screen any student enrolled in first through sixth grade who has not been screened for
- 75 dyslexia and dyscalculia under subdivision (3) of this subsection using an age-appropriate
- 76 screening instrument adopted by the state board;
- 77 (5) If a student is determined to exhibit potential indicators of dyslexia, dyscalculia, or other
- 78 specific learning disabilities, administer a comprehensive assessment adopted by the state board
- 79 to determine whether the student has a disability;
- 80 (6) Train one or more school employees to administer the screening instruments provided
- 81 by the State Board of Education;
- 82 (7) Make available ongoing professional development opportunities to teachers and other
- 83 school personnel on the identification of and intervention strategies for students with dyslexia,
- 84 dyscalculia, or other specific learning disabilities;
- 85 (8) Provide each student identified as having dyslexia, dyscalculia, or other specific
- 86 learning disability appropriate intervention strategies in accordance with the guidelines adopted
- 87 by the state board through the student's individualized education program; and
- 88 (9) Ensure that any individualized education program regarding specific learning
- 89 disabilities, including dyslexia or dyscalculia, which is developed or implemented, is consistent
- 90 with the provisions of this section.

NOTE: The purpose of this bill is to specify State Board of Education and local school boards responsibilities relating to students with dyslexia or dyscalculia.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.