

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/HB 230

49th Legislature, 2nd Session, 2010

Tracking Number: .181620.1

Short Title: Dyslexic Student Intervention

Sponsor(s): Representative Mimi Stewart and Senator Mary Jane M. García and Others

Analyst: Pamela Herman

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HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR HOUSE BILL 230

Bill Summary:

CS/HB 230 amends the *Public School Code* to require school districts to provide appropriate interventions for students who exhibit characteristics of dyslexia.

Among its provisions, CS/HB 230:

- defines the terms “dyslexia,” “response to intervention,” and “student assistance team”; and
- adds a new section of law that sets forth the following requirements:
 - a student who, despite effective classroom instruction in general education, demonstrates characteristics of dyslexia and is having difficulty learning to read, write, spell, understand spoken language, or express thoughts clearly, must be referred to a student assistance team (SAT);
 - each school district must provide timely, appropriate, systematic, scientific, research-based interventions with progress monitoring as recommended by the SAT in accordance with policies of the Public Education Department (PED) for students in Tier 2 of response to intervention (RtI), prior to referring the student for special education evaluation¹;
 - a school district must provide notice to parents of their right to request an initial evaluation for special education at any time while the Tier 2 interventions are being provided, including the right to appeal a refusal to provide the initial evaluation;
 - PED must develop recommended teacher professional development materials and opportunities regarding research-based reading instruction for students displaying characteristics of dyslexia;

¹ In New Mexico, RtI is prescribed not by state law but by PED rule, which mandates the three-tier model of student intervention. In this model, academic or behavioral interventions change or intensify as student needs are addressed in each tier:

- Tier 1, general education, consists of appropriate, research-based instruction in a standard curriculum, together with universal screening of students;
- Tier 2, involving student assistance teams, provides targeted interventions and small-group instruction for students identified in Tier 1 as needing additional assistance; and
- Tier 3, special education, provides specialized instruction according to a student’s Individualized Education Plan, or IEP.

- school districts and charter schools must train administrators and teachers who teach reading to provide and implement appropriate research-based reading interventions before referring a student for special education evaluation;
- school districts and charter schools must train special education teachers to provide appropriate specialized reading instruction for students with dyslexia;
- PED must provide technical assistance for special education diagnosticians and other special education professionals regarding formal evaluation of students suspected of having a specific learning disability such as dyslexia; and
- PED must adopt rules, standards, and guidelines necessary to implement this section.

Finally, CS/HB 230 is the subject of Senate Executive Message 56.

Fiscal Impact:

CS/HB 230 does not contain an appropriation.

Substantive Issues:

Since at least 2001, the Legislative Education Study Committee (LESC) has examined the barriers faced by students with dyslexia, a condition identified as a “specific learning disability” in federal special education law, in obtaining timely, appropriate intervention to address literacy problems.

In 2001, the LESG endorsed a joint memorial passed by the Legislature requesting that the State Board of Education (now the Public Education Department, or PED) take certain actions. Among these actions were the adoption of a specific definition of dyslexia and establishment of effective interventions and specialized education programs for public school students to address this disability. However, according to later reports, no action was taken on the recommendations.

In 2009, in response to continuing expressions of concern from parents of students with dyslexia, the Legislature passed HJM 43a, *Include Dyslexia in Disabilities*, requesting that PED take the action recommended in the 2001 memorial. The LESG heard testimony from parents and PED regarding:

- misunderstanding on the part of some teachers, administrators, and special educators about the nature of dyslexia and how to address it;
- challenges students face in securing appropriate early interventions;
- barriers in the process of referring students with characteristics of dyslexia for evaluation for special education;
- inconsistencies among school districts in identifying and serving dyslexic students;
- failure of some districts to provide appropriate accommodations to students who were identified as having specific learning disabilities including dyslexia and;
- consequent lifelong struggles faced by persons with dyslexia who might never attain the literacy skills needed to function effectively in modern society;
- PED’s efforts to determine how many students statewide have been identified as having dyslexia; and

- PED’s work with a group of special educators and diagnosticians to revise guidance for school districts on identifying and providing instructional interventions for students with specific learning disabilities, including dyslexia, within the formal RtI framework (see “Background” for a brief discussion of RtI).

Among the recommendations made by the 2009 PED report in response to HJM 43a are that:

- PED provide training for school districts on how to “ramp up” their Tier 2 interventions to work with all students who are struggling in reading;
- PED provide training for teachers on how to teach students who are struggling in reading that includes strategies for students with dyslexia;
- PED provide additional training for SATs on how to recognize reading difficulties and recommend interventions; and
- a group of diagnosticians develop training for other diagnosticians on how to recognize dyslexia as part of the special education evaluation process.

Background:

According to the International Dyslexia Association, a multi-disciplinary nonprofit organization:

- dyslexia is a language-based learning disability characterized by differences in the way the brains of persons with dyslexia process language;
- it is a learning disability that poses difficulties in achieving academic success and that, in its more severe forms, will qualify a student for special education, special accommodations, or extra support services;
- current studies show that as many as one-half of all students who qualify for special education have a learning disability, and approximately 85 percent have disabilities related to reading and language processing;
- many schools use RtI to identify children with learning disabilities:
 - if a student is not readily progressing in the acquisition of critical early literacy skills, the student receives intensive, individualized supplemental reading instruction; and
 - if learning does not accelerate to grade-level benchmarks and other developmental disorders are ruled out, the student may be identified as learning disabled and become eligible for special education;
- schools should begin screening children in kindergarten to identify any child who exhibits the early signs of potential reading difficulties, because early identification and treatment are key to helping persons with dyslexia to achieve in school and in life; and
- most people with dyslexia need help from a teacher, tutor, or therapist specially trained in using a multisensory, structured language approach to reading, including:
 - structured, explicit, systematic, cumulative instruction designed to promote understanding, memory, recall, and use of spoken and written language;
 - the use of several senses (hearing, seeing, and touching) at the same time;

- multiple components that focus on such areas of instruction as phonological skills, phonics and word analysis, spelling, word recognition and oral reading fluency, grammar and syntax, text comprehension, writing and study skills;
- structured practice; and
- immediate corrective feedback to develop automatic word recognition skills.

Related Bill(s):

None as of 02-05-2010.