

Dyslexia Laws in the USA: A 2018 Update

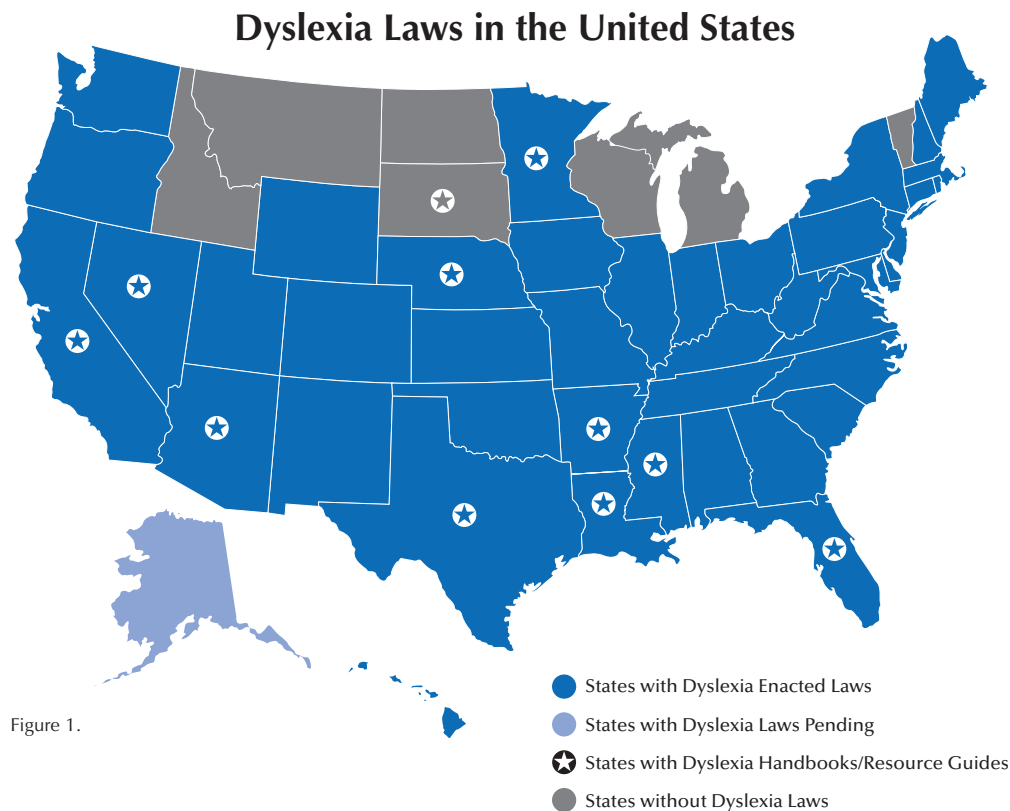
by Martha Youman and Nancy Mather

Across the United States, 33 legislative bills related to dyslexia were introduced between January and March of 2018. This rapid influx of proposals to initiate change at the state and federal levels signifies the ongoing sentiment that most states share today: dyslexia must be recognized and interventions must be provided early to children. This article summarizes the status of current dyslexia laws across the U.S., focusing on updates to legislation since our original article, *Dyslexia Laws in the USA*, which was published in the *Annals of Dyslexia* (Youman & Mather, 2013), and our update, which was published in *Perspectives* (Youman & Mather, 2015). It provides a current view of the dyslexia laws in each state, as well as how these laws are affecting school practice. Figure 1 summarizes the status of current laws as of March of 2018.

In our 2013 initial review, only 22 states had dyslexia laws. Furthermore, many of these states only hinted at dyslexia within their existing laws, but there was little guidance as to how to identify and help individuals with dyslexia. Today, as of March of 2018, 42 states have dyslexia-specific laws, and, among the

states that have passed laws, most have updated their education codes to clearly define dyslexia and provide guidelines to school districts on how to identify dyslexia and provide evidence-based interventions. Ten states now have a dyslexia handbook and one state has a resource guide, and the term dyslexia is now an integral part of parent-teacher conferences, Individualized Education Plans (IEPs), 504 plans, and the school community as a whole. The rapid expansion of dyslexia laws appears to be partially driven by group efforts, such as Decoding Dyslexia, as well as individuals who have been affected by dyslexia in some way, and have used the Internet and social media to spread awareness. Today, laws continue to focus primarily upon: a) dyslexia awareness, b) pilot programs for screening and intervention, c) teacher training, d) provision of interventions and accommodations, and e) the overall rights of individuals with dyslexia. A full listing of laws as of March 2018 is available on the International Dyslexia Association's website at <https://dyslexiaida.org/dyslexia-laws-status-by-state/>.

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Abbreviations

IDEA: Individuals with Disabilities Education Improvement Act
IEP: Individualized Education Plan
NSF: National Science Foundation

READ Act: Research Excellence and Advancements for Dyslexia Act
SLD: Specific Learning Disability

Dyslexia Awareness

Many states are now advocating for dyslexia awareness and, specifically, a more precise definition of dyslexia based on the guidelines of the International Dyslexia Association (IDA). One example is the Massachusetts House Bill 330 (2017). The sponsors of this bill cite the National Institutes of Health's definition of dyslexia as a "Neurological Learning Disability" and request that Massachusetts' educational laws reflect this definition. This increased focus on the neurobiology of the disorder is in contrast to the previous vague description of dyslexia as just one type of "Specific Learning Disability" under the Individuals with Disabilities Education Improvement Act (IDEA 2004), or as Specific Learning Disorder with Impairment in Reading in the Diagnostic and Statistical Manual of Mental Disorders-5 (DSM-5) (American Psychiatric Association, 2013). In addition, by clearly defining and emphasizing dyslexia, school districts are becoming more comfortable with the term "dyslexia" and IEP meetings are now including discussions about dyslexia, as well as ensuring the provision of structured literacy interventions that specifically help these students.

Historically, it was common practice for districts to discourage or even prohibit teachers and school psychologists from using the term "dyslexia." The fear of using the term dyslexia was so prevalent that, in 2015, the federal Office of Special Education and Rehabilitative Services issued a letter to school districts stating that, "There is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents." Following this letter, districts issued memorandums and created documents that encouraged school personnel to talk explicitly about dyslexia. The California dyslexia guidance document (2017), for example, includes a section titled "Use of the Term Dyslexia in Documentation." This section emphasizes that talking about dyslexia and including it in education plans could help provide more information regarding specific learning needs, eligibility criteria, and the necessary interventions that can help individuals with dyslexia. In our 2013 article, awareness about dyslexia mostly focused on states passing laws that declared a dyslexia awareness day and/or month. Today, dyslexia awareness initiatives have evolved toward changing actual practices in schools. On the national front, October remains recognized as National Dyslexia Awareness Month, and all 42 states with dyslexia laws are encouraging the use of the term "dyslexia."

Pilot Programs for Screening and Intervention

One of the most common key elements of dyslexia laws being passed across states targets universal screening and intervention. As an example, Oregon's Senate Bill 1003 (2017) specifies that all school districts must ensure that every student is screened for risk factors of dyslexia upon first enrolling at school in kindergarten or first grade. The screening procedure or program must be approved by the state's office of education and must include common correlates of dyslexia, including phonological awareness, rapid naming, knowledge of the

correspondences between sounds and letters, and a family history of difficulty in learning to read. In 2013, only two states had universal screening for dyslexia, and six other states had pilot programs to establish universal screening procedures. Presently, 18 states have implemented universal screening for dyslexia or are in the process of completing pilot programs to formalize universal screening procedures. Although many states appear to be proactively screening for dyslexia, several do not have specific guidelines on how to help students with dyslexia once they are identified. For example, several states, including California, implemented laws for universal screening in grades kindergarten through second grade. Districts have complied with this law by giving screening and progress monitoring tests to all students in areas related to early reading skills. This practice helps identify students who are at risk for dyslexia and may benefit from early interventions. However, there is currently no guidance on which programs districts should use for these interventions nor is there dyslexia-specific training for teachers and reading specialists who will work with these students. In contrast, Texas, for example has licensed dyslexia therapists and specific programs for students with dyslexia that these therapists can use.

Some states that have implemented universal screening have also emphasized progress monitoring and interventions for dyslexia. For example, the Arkansas Dyslexia Resource Guide (2016) now provides a clear path for both screening and intervention. The guide, which is based on dyslexia laws (passed in 2014), specifies that students be screened in early grades and then classified as "Level 1 Dyslexia Screening" (i.e., at risk) or "Level 2 Dyslexia Screening" (meeting all characteristics for a formal dyslexia evaluation). From these classifications, students are provided with Response to Intervention for Level 1 or specific interventions that are added to the IEP for a Level 2. Arkansas law not only requires screening and interventions for dyslexia, but it also specifies that the provided interventions be delivered by a "Dyslexia Interventionist," who is defined as a person with specific training in interventions for dyslexia. Every district in Arkansas has to appoint at least one person who serves as a dyslexia interventionist and whose sole job is to work with Level 1 and Level 2 students. Other states with clear dyslexia intervention procedures include: Connecticut (2016), Florida (2017), Illinois (2014), Kansas (2011), Louisiana (2010), Maine (2015), Maryland (2012), Minnesota (2017), Missouri (2016), Nevada (2015), New Hampshire (2016), Ohio (2012), Texas (2014), Utah (2015), Virginia (2010), West Virginia (2012), and Wisconsin (2016).

Teacher Training

Although many states are actively implementing dyslexia screening and interventions, they often fail to clarify who is responsible for monitoring screening and providing these interventions. For the purpose of ensuring appropriate screening and effective interventions, more and more states are focusing their efforts in training teachers to recognize dyslexia. At a broad level, a few states are requiring all special education

teachers to complete courses that focus on dyslexia. In Connecticut, for example, House Bill 7254 (2017) requires that teachers applying for professional certification complete a program of study in the “diagnosis” and “remediation” of reading and language arts difficulties, and specifically for students with dyslexia.

Beyond requirements for all special education teachers, at a more narrow level, a number of states have required that school districts appoint a person whose sole professional purpose is to work with students at risk for or have been identified with dyslexia. For example, following the lead of states like Texas and Mississippi, states like Minnesota (HB 668; 2017) have amended their laws to require that school districts include professionals trained in dyslexia. In the bill’s stipulations, districts must employ a dyslexia and literacy specialist who can provide “technical assistance for dyslexia” at multiple layers of the district. Thus, this specialist helps spread awareness and increases competencies for those who are working with students at risk of reading failure. The specialist also works with general education and special education teachers to help them address the educational needs of students with dyslexia. Although it is not necessary for districts to have a specific title for those working to identify and provide interventions for dyslexia, states that appoint a specific “dyslexia specialist,” “dyslexia therapist,” or “dyslexia interventionist” may be more likely to achieve the best outcomes for students. This is because, when it comes to dyslexia, access to specialized interventions delivered by knowledgeable and highly trained teachers is critical (Moats, 2009). In the future, it is likely that states will continue to implement higher requirements for those identifying and providing interventions for all students with dyslexia.

Provision of Interventions and Accommodations

In the last few decades, research has established the most effective interventions for dyslexia. These interventions include explicit instruction in phonemic awareness, phonics, spelling, fluency, and vocabulary (National Reading Panel, 2000). Although many reading programs target these areas, dyslexia legislation being passed is ensuring that these interventions are not optional, but legally mandated. If districts in states with laws related to interventions and accommodations do not provide these, they may be at risk for losing funding and parents may have legal recourse in the event that their child does not receive appropriate services. A few states are leading the way in terms of implementing the most effective interventions and creating a path for districts to follow when it comes to prescribed interventions. In Utah, for example, Senate Bill 117 (2015), created a pilot program to provide interventions for students at risk for, or experiencing, reading difficulties, including dyslexia. A number of schools were selected for the pilot program. These schools implemented reading programs, and were evaluated by a third party to establish results. Schools who participated in the pilot program experienced a decrease in the number of students who demonstrated below grade-level reading skills after a period of intervention. In contrast to Utah, however, most current state laws are not clear when it comes to which interventions must be used to help students with dyslexia and how and when these should be implemented.

Another area that continues to be addressed in the numerous dyslexia state laws relates to the provision of accommodations for students with dyslexia. Some of the first laws (e.g., Texas with its bundled accommodations for students with dyslexia) mostly focused on modifying existing requirements to meet the needs of students with dyslexia. In recent years, however, increased emphasis is being placed on the role of technology, not only for accommodations, but to enhance student reading and writing performance. Most dyslexia handbooks that were created as a result of laws that have passed include a section relating to the use of assistive technology to accommodate the needs of students with dyslexia. The Arizona Dyslexia Handbook (2017), for example, provides suggestions for assistive technology that can be used to help students with dyslexia. These accommodations include options, such as digital story telling, text-to-speech, live scribe, and e-books. Teachers are encouraged to help students learn these technologies and parents are encouraged to ask for these types of accommodations in the classroom and for high-stakes assessments.

Overall Rights for Individuals with Dyslexia

The overall rights of individuals with dyslexia continue to be a principal emphasis of dyslexia laws. These laws continue to protect individuals with dyslexia and are applied in a variety of settings. Specific examples include not requiring students with dyslexia to take college entrance exams (Massachusetts General Law, Ch. 15A, §30, 1983), and preventing employers from discriminating against individuals with dyslexia in the workplace (Equal Employment Opportunity Commission, 2011). In recent years, states have also implemented laws that prevent students from being retained or “held back” if they are identified with or are in the process of being evaluated for dyslexia. These laws come as a response to other laws (not related to dyslexia) that have been instituted to retain students in third grade who are at the bottom reading levels based on state testing performance. Both Arizona and South Carolina are states that have implemented laws that require the bottom readers to be retained in third grade, but Arizona recently revised legislation to specify that students with dyslexia may not be retained in third grade if the IEP team and the student’s parents agree that promotion is appropriate. This is important for students with dyslexia because most research indicates that retention has many negative outcomes, chief among which is the likelihood of dropping out of school prior to completing high school (Jimerson, Anderson, & Whipple, 2002).

Dyslexia Legislation at the Federal Level

A few months prior to our last update of dyslexia laws in 2015, the Research Excellence and Advancements for Dyslexia Act (READ Act) was introduced. The READ Act required that the president’s annual budget include \$5 million of National Science Foundation (NSF) funds to be allocated to dyslexia research. The act was passed into law in February of 2016. The final version of the act stipulated that the NSF “shall support multi-directorate, merit-reviewed, and competitively awarded research on the science of specific learning disability, including

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TABLE 1. Implementing Dyslexia State Laws and Initiatives

LAW/INITIATIVE	Parents	Teachers/School Personnel
Screening for Dyslexia	<ol style="list-style-type: none"> 1. Inquire at your school if there is a universal screening program for dyslexia. If so, at what grades or ages? 2. Ask specifics about the universal screening program (e.g., name of program being used, how often students' progress is tracked, reliability of data being collected, etc.) 3. If you suspect your child has dyslexia, request that common cognitive and linguistic skills associated with dyslexia are assessed (e.g., phonological awareness, rapid automatized naming). 4. If you suspect your child has dyslexia, request that common reading and writing skills associated with dyslexia are assessed [e.g., basic reading skills (phonics and sight word identification), spelling, reading rate]. 	<ol style="list-style-type: none"> 1. Become involved in implementing or improving universal screening program for dyslexia by reminding administrators about specific laws. 2. Help your school share information with parents regarding dyslexia screening results. 3. If you suspect a student has dyslexia, ensure that common cognitive and linguistic skills associated with dyslexia are assessed (e.g., phonological awareness, rapid automatized naming). 4. If you suspect your student has dyslexia, request that common reading and writing skills associated with dyslexia are assessed [e.g., basic reading skills (phonics and sight word identification), spelling, reading rate].
Dyslexia Training for Teachers and Reading Specialists	<ol style="list-style-type: none"> 1. Determine if the district has a dyslexia coordinator or person in charge of dyslexia training. 2. Inquire about dyslexia teacher training and if structured literacy programs are available to teach students with dyslexia (e.g. explicit, systematic reading instruction, phonics instruction, etc.) 3. Ask how dyslexia training relates to student services (e.g., who are students who are seen by the dyslexia specialist, how many teachers have knowledge of dyslexia interventions, does the school employ a structured literacy program, etc.) 	<ol style="list-style-type: none"> 1. Advocate for the appointment of a specific person in charge of dyslexia training. 2. Request specific teacher training (for all special education, reading teachers) that includes structured literacy programs (e.g., explicit, systematic reading instruction, phonics instruction, etc.) Request dyslexia awareness training for all K–12 teachers. 3. Help the school develop a system for implementing daily, systematic instruction, delivered by teachers who have adequate training and experience.
Eligibility for Accommodations and Services for Students with Dyslexia	<ol style="list-style-type: none"> 1. If your child is behind in reading, ask for further evaluation and a possible 504 or Individualized Education Plan. 2. Become familiar with accommodations that help students with dyslexia. 3. Meet with teachers and school staff periodically to evaluate the effectiveness of accommodations and services being provided. 	<ol style="list-style-type: none"> 1. Become involved in the Response to Intervention or similar system at your school. Ensure that the accommodations and services that are provided are appropriate for students with dyslexia. 2. Help colleagues become familiar with how to implement accommodations that help students with dyslexia. 3. Collaborate with colleagues to evaluate the effectiveness of accommodations and services being provided to students with dyslexia.
Classroom Instruction for Students with Dyslexia	<ol style="list-style-type: none"> 1. Advocate for differentiated classroom instruction for students at all K–12 levels. 2. Offer a list of approved programs for implementation in the instruction of students with dyslexia (e.g., Mississippi Dyslexia Handbook). 	<ol style="list-style-type: none"> 1. Become familiar with differentiated instruction strategies (e.g., use of centers during instruction). 2. Learn and help colleagues learn about specific reading programs designed to help students with dyslexia (e.g., structured literacy programs). 3. Explain the characteristics of dyslexia to all students to help develop empathy and understanding of this problem.
Dyslexia Handbook	<ol style="list-style-type: none"> 1. Request that your state or district develop a dyslexia handbook to guide parents and teachers and offer other states' handbooks as reference. 2. If your state has a dyslexia handbook, help schools follow its guidelines. If appropriate, develop shorter pamphlets for both parents and teachers that encapsulate the most important ideas. 	
Dyslexia Awareness	<ol style="list-style-type: none"> 1. Ask the educational professionals in your school to hold events and encourage discussions about dyslexia during October (National Dyslexia Month). 	

dyslexia, such as research on the early identification of children and students with dyslexia, professional development for teachers and administrators of students with dyslexia, curricula and educational tools needed for children with dyslexia, and implementation and scaling of successful models of dyslexia intervention.” In addition, funding would be prioritized for research that demonstrates practical application. It is likely that many research projects are currently being funded under the READ Act. Although it will take years to see how the findings of these studies inform our knowledge and present practices, the appropriation of funds for the study of dyslexia reflects the importance of this topic and how it relates to the advancement and protection of individuals with dyslexia in our society.

Going Forward

The number of states with laws specific to dyslexia has nearly doubled since the publication of our initial review of dyslexia legislation (Youman & Mather, 2013). Most likely in the next few years, all states will have dyslexia laws and provisions for screening, intervention, and accommodations will be well established in all school districts. Clear guidelines on how to implement universal screening for dyslexia, provide interventions and accommodations, and train and maintain professionals’ knowledge related to dyslexia are now outlined in statewide handbooks and guidance documents. Our initial article, and its update in 2015, provided suggestions on how to take proactive actions to help draw attention to and increase universal understanding of dyslexia.

Today, it is safe to say that dyslexia has become a national concern, but the new laws that have been enacted are causing some level of confusion and uncertainty for school districts and parents and teachers who are unsure of how these laws translate into practice. Although the recent California handbook (2017) provides an excellent summary of the characteristics and complications of dyslexia, little guidance is provided

regarding how, when, and what interventions should be implemented. Table 1 provides suggestions on general steps that district personnel and parents can take to help their schools apply these laws to protect and provide appropriate services for all students with dyslexia.

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