

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
HOW TO MEET THE NEEDS OF CHILDREN WITH DYSLLEXIA DIVISION OF
ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING
DYSLLEXIA SCREENINGS AND INTERVENTIONS**

Effective _____

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~~ Division of Elementary and Secondary Education Rules Governing Dyslexia Screenings and Interventions.
- 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 6-41-611~~ 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 6-41-611 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 “Alphabet Knowledge” means the ability to automatically recognize and name the twenty-six (26) lowercase and twenty-six (26) uppercase letters with ease and accuracy.

3.02 “Decoding” means to translate words, word parts, or nonwords into their corresponding pronunciation.

~~3.01~~ 03 “Dyslexia” means a specific learning disability that is:

~~3.01~~ 03.1 Neurological in origin;

~~3.01~~ 03.2 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~~ 03.3 Often unexpected in relation to other cognitive abilities.

~~3.02~~ 04 “Dyslexia interventionist” means a school district or public school employee trained in a dyslexia program, such as a:

~~3.02~~ 04.1 Dyslexia therapist;

~~3.02~~ 04.2 Dyslexia specialist;

~~3.02~~ 04.3 Reading interventionist;

~~3.02~~ 04.4 Certified teacher; or

~~3.02~~ 04.5 Tutor or paraprofessional working under the supervision of a certified teacher.

~~3.03~~ 05 “Dyslexia program” means explicit, direct instruction that is:

~~3.03~~ 05.1 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~~ 05.2 Systematic, multisensory, and research-based;

- 3.~~0305~~.3 Offered in a small group setting to teach students the components of reading instruction, including without limitation:
- 3.~~0305~~.3.1 Phonemic awareness to enable a student to detect, segment, blend, and manipulate sounds in spoken language;
 - 3.~~0305~~.3.2 Graphophonemic knowledge for teaching the letter-sound plan of English;
 - 3.~~0305~~.3.3 The structure of the English language that includes morphology, semantics, syntax, and pragmatics;
 - 3.~~0305~~.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.~~0305~~.3.5 Strategies that students use for decoding, encoding, word recognition, fluency, and comprehension.
- 3.~~0305~~.4 Delivered with fidelity. “Fidelity” means the intervention is done as the author of the program intended.

3.~~0406~~ “Dyslexia specialist” means:

- 3.~~0406~~.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.~~0406~~.1.1 Phonological and phonemic awareness;
 - 3.~~0406~~.1.2 Sound and symbol relationships;
 - 3.~~0406~~.1.3 Alphabet knowledge;
 - 3.~~0406~~.1.4 Decoding skills;
 - 3.~~0406~~.1.5 Rapid naming skills; ~~and~~
 - 3.~~0406~~.1.6 Encoding skills; and
 - 3.06.1.7 Language comprehension.

- ~~3.0406.2~~ 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.
- ~~3.0507~~ “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.
- ~~3.0608~~ “Dyslexia therapy” means an appropriate specialized reading instructional program specifically designed for use in a dyslexia program that is delivered by a dyslexia interventionist.
- 3.09 “Early signs consistent with characteristics of dyslexia” means the clearest early indicators of dyslexia observed as early as kindergarten including difficulties acquiring phonemic awareness, learning letter/sound correspondences, and learning to decode print using phonemic decoding strategies.
- 3.10 “Encoding” means to translate spoken language into print.
- 3.11 “Language Comprehension” means the ability to understand both spoken and written language, including vocabulary and listening knowledge.
- 3.12 “Oral Reading Fluency” means the ability to read grade level text with an appropriate rate to support comprehension, self-correcting as necessary.
- 3.13 “Phonemic Awareness” means the ability to recognize and manipulate the individual sounds in spoken language.
- 3.14 “Phonological Awareness” means the ability to hear and manipulate the spoken parts of words including syllables, onset-rime, and phonemes.
- ~~3.0715~~ “Response to Intervention (RTI)” is the practice of:
- ~~3.0715.1~~ Screening students to identify those needing extra support;
 - ~~3.0715.2~~ Providing high-quality instruction and appropriate interventions matched to student needs;
 - ~~3.0715.3~~ Closely monitoring progress to assess both the learning rate and the level of performance of individual students; and
 - ~~3.0715.4~~ Basing instructional decisions about the intensity and duration of interventions on assessment data and individual

student response to intervention.

3.16 “Sound Symbol Recognition” means to automatically produce sounds or grapheme names, that is grade level letters or letter clusters, during recognition, production, or writing tasks.

3.17 “Substantial reading deficit” means:

3.17.1 A score at the lowest achievement level or benchmark on the screening or progress monitoring when using a high quality, evidence-based screener approved by the Division of Elementary and Secondary Education; or

3.17.2 Evidence of minimum skill levels for reading competency in one or more of the areas of phonological awareness, phonics, vocabulary, oral language skills, reading fluency, and reading comprehension documented on consecutive formative assessments or documented in teacher observation data.

4.00 REQUIRED SCREENING FOR K-3

4.01 A school district shall screen all students in kindergarten, grade one, grade two, and grade three (K-3) using a high quality, evidence-based screener approved by the Division of Elementary and Secondary Education and that is integrated into the statewide student assessment system. ÷

~~4.01.1 — Each student in kindergarten, grade one, grade two (K-2);~~

~~4.01.2 — A student in kindergarten, grade one, 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; and
 - 4.02.7 Language comprehension.
- 4.03 The school district shall use the statewide student assessment system to be administered in kindergarten, grade one, grade two, and grade three (K-3) to administer the screener required under Section 4.01.
- 4.04 The school district shall administer the assessment required under Section 4.01;
- 4.04.1 Not less than thirty (30) days after the first day of the school year;
 - 4.04.2 In the middle portion of the school year; and
 - 4.04.3 At the end of the school year.
- 4.05 If a student is identified by the assessment required under Section 4.01 as indicating early signs consistent with the characteristics of dyslexia or a substantial reading deficit, that student shall be administered a dyslexia screening within fifteen (15) days of the screening.
- 4.05.1 Students in kindergarten, grade one, and grade two, (K-2) shall be administered a Level I dyslexia screening.
 - 4.05.2 Students in grade three (3) shall be administered a Level II dyslexia screening.
 - 4.05.3 Students shall be identified based on cut-points and indicators approved by the Division of Elementary and Secondary Education.

~~4.06 If a student is found to require dyslexia intervention based on the dyslexia screening required in Section 4.05, the student shall receive early intervention by a trained interventionist pursuant to Section 6.00.~~

~~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 REQUIRED SCREENING FOR 3-12

~~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.~~

~~5.02.1 The Level II dyslexia screening shall be completed consistent with the Arkansas Dyslexia Resource Guide.~~

~~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.~~

5.01 A school district shall screen any student in grades three through twelve (3-12) experiencing difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance.

5.01.1 Difficulty requiring a screening under Section 5.01 may be informed by the results of a statewide student assessment in addition to other considerations.

5.02 A screening required under Section 5.01 shall be performed with fidelity using screening measures of:

5.02.1 Oral reading fluency; and

5.02.2 Encoding.

5.03 If a student is required to receive a screener under Section 5.01, the school district shall:

5.03.1 Utilize a screener approved by the Division of Elementary and Secondary Education; and

5.03.2 Administer the screener within fifteen (15) days of the identification of the student in question.

5.04 If the results of a screener required under Section 5.01 identify that a student exhibits deficits in fluency or spelling, the school district shall administer a Level II dyslexia screening within fifteen (15) days of the screening.

5.05 If a student is found to require intervention based on the Level II dyslexia screening the student shall receive early intervention by a trained interventionist pursuant to Section 6.00.

6.00 Requirements for Intervention

6.01 If a student is identified as requiring a dyslexia intervention under this rule, the student shall receive early intervention by a trained interventionist using a dyslexia program approved by the Division of Elementary and Secondary Education.

- 6.01.1 Dyslexia interventions shall be provided beginning no more than seven (7) days from the date the student is identified.
- 6.02 Early intervention provided pursuant to this rule shall continue until the deficit areas are remediated.
- 6.03 The progress of a student receiving early dyslexia intervention shall be documented within the individual reading plan and a report of this student's progress shall be provided to the parents of the student quarterly.
 - 6.03.1 The progress report shall include the student's progress toward completing the dyslexia program;
 - 6.03.2 The progress report shall include data points for measuring mastery of individual skills addressed in completed lessons of the dyslexia program; and
 - 6.03.3 The progress report shall include data points for assessing progress toward grade level including but not limited to:
 - 6.03.3.1 Decoding,
 - 6.03.3.2 Word recognition,
 - 6.03.3.3 Spelling, and
 - 6.03.3.4 Fluency.
- 6.04 Students who qualify as students with disabilities under the Individuals with Disabilities Education Act and have an individualized education program (IEP) who demonstrate characteristic of dyslexia may receive dyslexia intervention as a related service as determined by the IEP team.
 - 6.04.1 The IEP team determines who shall provide the dyslexia intervention including but not limited to:
 - 6.04.1.1 A certified academic language therapist;
 - 6.04.1.2 A dyslexia interventionist, or
 - 6.04.1.3 Special education teacher.

67.00 INDEPENDENT, COMPREHENSIVE DYSPLEXIA EVALUATION

67.01 If a student's performance on an initial screener, Level I screening, or Level II dyslexia screening under Sections 4.00 or 5.00 of these rules indicate a need for dyslexia intervention services, the student's parent or legal guardian shall be:

67.01.1 Notified of the results of the dyslexia evaluation;

67.01.2 Provided with information and resource materials including without limitation:

67.01.2.1 The characteristics of dyslexia;

67.01.2.2 Appropriate classroom interventions and accommodations for students with dyslexia; and

67.01.2.3 The right of the parent or legal guardian to have the student receive an independent, comprehensive dyslexia evaluation by a:

67.01.2.3.1 Licensed psychological examiner;

67.01.2.3.2 School psychology specialist;

67.01.2.3.3 Licensed speech-language pathologist;

67.01.2.3.4 Certified dyslexia testing specialist;
or

67.01.2.3.5 Dyslexia therapist.

67.02 If a parent or legal guardian chooses to have an independent comprehensive dyslexia evaluation for the student, the parent or legal guardian shall:

67.02.1 Select an individual qualified under Section 67.01.2.3 to perform the comprehensive dyslexia evaluation; and

67.02.2 Cover the cost of the comprehensive dyslexia evaluation.

67.03 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.

78.00 INSTRUCTIONAL APPROACHES

78.01 Dyslexia intervention for a student whose dyslexia Level I or Level II screening under Sections 4.00 and 5.0200 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:

- 78.01.1 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;
- 78.01.2 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;
- 78.01.3 Meaning-based instruction directed at purposeful reading and writing, with an emphasis on comprehension and composition; and
- 78.01.4 Multisensory instruction that incorporates the simultaneous use of two (2) or more sensory pathways during teacher presentations and student practice.

78.02 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.

89.00 REPORTING BY SCHOOL DISTRICTS

89.01 The superintendent of a school district shall annually report the results of the school district screening required under Sections 4.00 and 5.00 of these rules. Additional information concerning the manner of submission of the report may be found in the Arkansas Dyslexia Resource Guide.

89.02 Before July 15, a school district shall report on the website of the school district, or in writing to the parents of each student in the school district the following information:

89.02.1 The dyslexia intervention programs used during the previous school year that were specifically responsive to assisting students with dyslexia;

89.02.2 The number of students during the previous school year who received dyslexia intervention under Ark. Code Ann. § 6-41-602 et seq. and these Rules; and

89.02.3 The total number of students identified with dyslexia during the previous school year.

89.02.3.1 For purposes of Section 89.02.3, “identified with dyslexia” means students with a formal dyslexia diagnosis and students exhibiting the characteristics of dyslexia through a school-based or outside evaluation.

910.00 DYSLEXIA SPECIALIST

910.01 ~~No later than the 2015 fiscal year, the~~ 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.

910.01.1 The dyslexia specialist shall:

910.01.1.1 Be highly trained in dyslexia and related disorders, including best-practice interventions and treatment models for dyslexia;

910.01.1.2 Be responsible for the accountability of screening results and the implementation of professional awareness required by Section ~~44~~12.00 of these rules and

910.01.1.3 Serve as the primary source of information and support for school districts in addressing the needs of students with dyslexia and related disorders.

- 910.02 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.

1011.0 DYSLEXIA INTERVENTIONISTS

- ~~1011.01~~ ~~No later than the 2015-2016 academic year, a~~ A school district shall have at least one individual to serve as a dyslexia interventionist.

1112.00 PROFESSIONAL AWARENESS

- ~~1112.01~~ The Department of Education shall ensure that each teacher receives professional awareness on the following:

- ~~1112.01.1~~ The characteristics of dyslexia; and
- ~~1112.01.2~~ The evidence-based interventions and accommodations for dyslexia.

- ~~1112.02~~ Professional awareness may be provided:

- ~~1112.02.1~~ Online through Arkansas IDEAS;
- ~~1112.02.2~~ At an education service cooperative; or
- ~~1112.02.3~~ At another venue approved by the Department of Education.

1213.00 EDUCATION IN TEACHER PREPARATION PROGRAMS

- 13.01 ~~No later than the 2015-2016 school year, the~~ 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:

- ~~1213.01.1~~ Characteristics of dyslexia; and
- ~~1213.01.2~~ Evidence-based interventions and accommodations for dyslexia.

1314.00 DYSLEXIA RESOURCE GUIDE

- ~~1314.01~~ The Department of Education shall maintain a committee for the purpose of developing and updating the Dyslexia Resource Guide

~~13~~14.02 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~~14.02.1 The Arkansas Association of Education Administrators;

~~13~~14.02.2 The Arkansas Department of Education, Division of Learning Services;

~~13~~14.02.3 The Arkansas Department of Higher Education;

~~13~~14.02.4 The Arkansas Education Association;

~~13~~14.02.5 The Arkansas School Boards Association;

~~13~~14.02.6 An Education Service Cooperative Administrator; and

~~13~~14.02.7 The Arkansas School Psychology Association.

~~13~~14.02.7.1 The committee member from the Arkansas School Psychology Association must have at least three (3) years of experience in testing for dyslexia.

~~13~~14.03 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.

~~14~~15.00 ENFORCEMENT BY THE ARKANSAS DEPARTMENT OF EDUCATION

~~14~~15.01 A school district that fails to comply with Ark. Code Ann. § 6-41-602 et seq. and these Rules shall be in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and may be placed on probationary status.

~~14~~15.02 A school district placed on probationary status under Rule 14.01 shall report the reason for being placed on probationary status on the website of the school district and by written notification to the parents of each student in the school district.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

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 no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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

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

Total _____

Next Fiscal Year

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

Total _____

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

Current Fiscal Year

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

Total _____

Next Fiscal Year

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

Total _____

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

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or 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

\$ _____

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.



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

Jacob Oliva
Secretary

March 13, 2024

Stacy Smith
Deputy
Commissioner

Proposed Rule – Governing Dyslexia Screening and Interventions

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PURPOSE

The proposed amendment is necessary to update the existing rule in order to implement the relevant provisions of LEARNS. The key policy change implemented by this amendment is that mandatory dyslexia screening is extended to third grade students. In addition, LEARNS created a process by which students identified by teachers or parents in grades 3-12 may also be administered dyslexia screening. If flagged by the initial screener, students are required to receive a second more in-depth dyslexia screening. If indicated by the second screening, the student is required to receive dyslexia intervention. The amendment also implements added notice and reporting requirements to the students' parents required under the LEARNS act.

Additional to the legally required updates, the amendment defines technical terms which were added by LEARNS or which were used but undefined in the current rule. The amendment also establishes timeframes for the actions required under the law.

BACKGROUND

Prior to the changes made in Act 237, the Dyslexia screenings were only required for all students in kindergarten, first grade, and second grade. In addition, past practice has been that dyslexia screening was conducted separately from any other process or testing battery.

KEY POINTS

- Updates Dyslexia Rule to extend universal dyslexia screening to third grade as required in LEARNS.
- Establishes requirements and deadlines to ensure students receive effective early intervention by trained personnel.
- Implements requirements ensuring regular detailed updates to parents regarding dyslexia screening and intervention.

DISCUSSION

In addition to the changes described above, this amendment reflects new department policy that dyslexia screening is now integrated with the required student assessments, i.e. testing, and the required literacy screening for K-3 students established in LEARNS. This will ensure universal compliance with the initial screening requirements and ensure efficient and timely dyslexia screening is provided to all students.

RECOMMENDATION

The Division of Elementary and Secondary Education recommends Governor's Office approval of this rule.

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Elementary and Secondary Education is considering new administrative rules. Public comment hearings will be held on the DESE Rule Governing Public School Policies Relating to Overnight Trips and Use of Public School Lavatories on May 22, 2024 at 1:30 p.m. Public comment hearings will be held for the following rules on May 31, 2024 at 10am: the DESE Rule Governing Professional Development; the DESE Rule Governing Arkansas Governor's School; the DESE Rule Governing Background Checks; the ADE, Office of Early Childhood Rules Governing Better Beginnings, Arkansas's Tiered Quality Rating and Improvement System; the DESE Rule Governing the Code of Ethics for Arkansas Educators; the DESE Rule Governing Dyslexia Screenings and Interventions; the DESE Rule Governing Educator Licensure; the DESE Rule Governing Emergency Response Equipment and Training in Arkansas Public Schools; the DESE Rule Governing Fiscal Assessment and Accountability Program; the DESE Rule Governing the Maternity Leave Cost Sharing Program; the DESE Rule Governing the Requirements and Procedures for Obtaining an Arkansas Birth through Prekindergarten Teaching Credential; and the DESE Rule Governing Water Safety Information Provided by Public Schools. Public comment hearings will be held for the repeal of the following rules on May 31, 2024 at 1:30pm: the DESE Rule Governing the Educator Compensation Reform Program; the DESE Rule Governing Eligibility of Participating School Districts in the Traveling Teacher Program; the DESE Rule Governing Incentives for Teacher Recruitment and Retention in High-Priority Districts; the DESE Rule Governing Reimbursement by School Districts for Election Expenses; the DESE Rule Governing School Board Zones and Rezoning; the DESE Rule Governing School District Duty to Report Student Criminal Acts; the DESE Rule Governing the Succeed Scholarship Program; and DCTE Rule Governing Methods of Administration of Career and Technical Education Programs. All hearings will be held at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on June 10, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201. Comments also may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Elementary and Secondary Education's

website at: <https://dese.ade.arkansas.gov/Offices/legal/rules/pending>.

Copies also may be obtained by contacting ADE's Office of Legal Services at the above address or via phone at (501) 683-1390.

Re: Notice of Rulemaking

Legal Ads <legalads@arkansasonline.com>

Wed 5/8/2024 11:42 AM

To: Daniel Shults (ADE) <Daniel.Shults@ade.arkansas.gov>

Cc: LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>; Legal <legal@ade.arkansas.gov>

Caution: This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Notice will run Fri 5/10, Sat 5/11, and Sun 5/12.

Sunday will be invoiced separate from Fri/Sat.

Thank you.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Daniel Shults (ADE)" <Daniel.Shults@ade.arkansas.gov>
To: "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>, "Legal Ads" <legalads@arkansasonline.com>
Cc: "Legal" <legal@ade.arkansas.gov>
Sent: Wednesday, May 8, 2024 11:27:16 AM
Subject: RE: Notice of Rulemaking



ARKANSAS
DEPARTMENT OF EDUCATION

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From: LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>
Sent: Wednesday, May 8, 2024 9:57 AM
To: Legal Ads <legalads@arkansasonline.com>
Cc: Legal <legal@ade.arkansas.gov>; Daniel Shults (ADE) <Daniel.Shults@ade.arkansas.gov>
Subject: Notice of Rulemaking

Good morning,

Please find the attached Notice of Rulemaking for several Division of Elementary and Secondary Education administrative rules and confirm receipt. Please run for three consecutive days, from Friday, May 10, 2024, through Sunday, May 12, 2024. Please let me know if you have any questions.