COMMITTEE REPORT

March 15, 2018

**H. 4434**

Introduced by Reps. Clary, Elliott, Cogswell, Collins, Henderson‑Myers, Felder, Pope, Taylor, Ott, Govan, Cole, King and Thayer

S. Printed 3/15/18--S.

Read the first time February 22, 2018.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (H. 4434) to amend the Code of Laws of South Carolina, 1976, by adding Article 5 to Chapter 33, Title 59 so as to define necessary terms, to require the state, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 33, Title 59 of the 1976 Code is amended by adding:

”Article 5

Dyslexia Screenings

Section 59‑33‑510. As used in this section:

(1) ‘Evidence‑based reading instruction’ means reading, writing, and spelling instruction that employs direct instruction of systematic and cumulative content, with the sequence beginning with the easiest and most basic elements, and progressing methodically to more difficult material. Each step also must be based on steps already learned. Components of evidence‑based reading instruction include instruction targeting phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(2) ‘Dyslexia specific intervention’ means evidence‑based, specialized reading, writing, and spelling instruction that is multisensory in nature, equipping students to simultaneously use multiple senses, such as vision, hearing, touch, and movement. Dyslexia specific intervention requires greater intensity, such as smaller groups, increased frequency of instruction, and individualized progression through steps, than typical evidence‑based reading instruction.

(3) ‘Multi‑tiered system of supports’ or ‘MTSS’ means an evidence‑based model of schooling that uses data‑based problem solving to integrate academic and behavioral instruction and intervention. The integrated academic and behavioral supports are delivered to students at varying intensities by means of multiple tiers based on student need. Need‑driven decision making seeks to ensure that district resources reach the appropriate students at their schools at the appropriate levels to accelerate the performance of all students to fulfill the profile of the South Carolina Graduate.

(4) ‘Response to Intervention’ or ‘RTI’ means the process of providing high‑quality instruction and intervention matched to student needs using learning rate over time and level of performance to make important instructional decisions. To ensure efficient use of resources, schools begin with the identification of trends and patterns using schoolwide data and grade level data. Students who need instructional intervention beyond what is provided universally for positive behavior or academic content areas are provided with targeted, supplemental interventions delivered individually or in small groups at increasing levels of intensity. RTI is a process that is driven by the use of a problem‑solving model and is used for the purpose of revealing what works best for groups of students and individual students, regardless of placement.

(5) ‘Tiered instruction’ means instruction and intervention provided with increasing intensity in response to student needs. This instruction is typically provided in an RTI process depicted as a three‑tier model. Data is collected at each tier and is used to measure the efficacy of the instruction and intervention so that meaningful decisions may be made about how instruction and intervention should be maintained and layered. Tier 1 is the foundation and consists of scientific, research‑based core instructional and behavioral methodologies, practices, and supports designed for all students in the general curriculum. Tier 2 consists of supplemental, targeted instruction and interventions that are provided in addition to and in alignment with effective core instruction and behavioral supports to groups of targeted students who need additional instructional support, behavioral support, or both. Tier 3 consists of intensive instructional or behavioral interventions provided in addition to and in alignment with effective core instruction with the goal of increasing an individual student’s rate of progress. Tier 3 interventions are developed for individual students using a problem‑solving process. Students receiving Tier 3 level supports may or may not be eligible for specially designed instruction and related services in accordance with the Individuals with Disabilities Education Improvement Act.

(6) ‘Problem‑solving model’ means a problem‑solving method used to match instructional resources to educational need. The problem‑solving model uses data to define the problem, establish performance goals, develop intervention plans, monitor progress, and evaluate outcomes.

(7) Universal screening process (USP) means the process a district employs to screen all students who may be experiencing academic and/or social‑emotional difficulties. The screening tools and the process must be based on approval and guidelines provided by the department.

Section 59‑33‑520. (A)(1) The State Department of Education shall establish and provide training and support for a statewide MTSS framework that must contain a common data‑based problem‑solving model, on‑going student assessment, and a layered continuum of supports using evidence‑based practices. As part of the assessment, a universal screening process must be used to identify students who may be at risk of experiencing academic difficulties in reading, math, or writing, and who also may be at risk of experiencing difficulties in social‑emotional development.

(2) Beginning with the 2019‑2020 School Year, a local school district shall use the universal screening process to screen each student in the district who is in kindergarten through first grade three times each school year and as needed in second grade as outlined in the district’s universal screening procedures, and any other student as required by the department, for reading difficulties, including dyslexia, and the need for intervention.

(3) In addition to screening required by this subsection, screening also may be requested for a student by his parent or guardian, teacher, counselor, or school psychologist.

(B) The district, following the universal screening procedures it conducted, shall convene a school‑based team to analyze screening data and progress monitoring data to assist teachers in planning and implementing appropriate instruction and evidence‑based interventions for all students who, based on the screening, are at risk of experiencing academic difficulties, including those students who exhibit the characteristics of dyslexia, as provided by the department. Guidance may include suggestions of tiered interventions, dyslexia specific interventions, academic and social‑emotional supports, and supplemental technology as appropriate for the student’s access to assistive technology.

(C) If the RTI process conducted by the district indicates that a student is at risk for experiencing academic difficulties, including dyslexia, the district shall:

(1) notify the parent or legal guardian of the student;

(2) provide the parent or legal guardian of the student with information and resource material so that they may assist and support learning for their child;

(3) provide the student with tiered, evidence‑based intervention as defined in Section 59‑33‑510; and

(4) monitor and evaluate the effectiveness of the intervention and the student’s progress.

Section 59‑33‑530. The department shall provide appropriate professional development training and resources for all educators in the area of MTSS and the identification of, and evidence‑based intervention methods for, students who are at risk of experiencing academic difficulties, including students with dyslexia.

Section 59‑33‑540. The State Board of Education shall create a reporting template and guidelines for districts and charter schools to complete the template. School districts and charter school authorizers shall complete the template and provide the compiled results to the department annually by June thirtieth, commencing June 30, 2020. The department shall provide the compiled information to the State Board of Education, State Superintendent of Education, and the Chairs of the House Education and Public Works Committee and Senate Education Committee by July thirty‑first of each year commencing July 31, 2020. The template must include the following:

(1) identification of the screening tool used;

(2) the type and amount of professional development specifically applicable to reading difficulties including, but not limited to, dyslexia, and other related disorders that is provided to faculty and staff;

(3) the number of students screened and the number who were identified as having reading difficulties including, but not limited to, dyslexia, and who required intervention, and the interventions employed by the school; and

(4) longitudinal data reported by grade that separately identifies academic growth for students who are identified as having reading difficulties including, but not limited to, dyslexia and provided intervention services, and students who do not receive services. Individual students must not be identified.

Section 59‑33‑550. (A) There is created a Learning Disorders Task Force for the purpose of working with the department in matters relating to reading disorders to include, but not be limited to, dyslexia. The State Superintendent of Education shall convene the first meeting at which time a chair shall be elect by the task force. The task force is composed of nine members as follows:

(1) an education specialist in school psychology appointed by the State Superintendent of Education, for a term of three years;

(2) a representative from the South Carolina branch of the International Dyslexia Association, appointed by the president of the association for a term of three years;

(3) a special education teacher with an understanding of reading difficulties including, but not limited to, dyslexia, appointed by the State Superintendent of Education for a term of three years;

(4) a primary school teacher, appointed by the State Superintendent of Education for a term of three years;

(5) a middle school teacher appointed by the State Superintendent of Education for a term of three years;

(6) a high school teacher, appointed by the State Superintendent of Education for a term of three years;

(7) a parent of a child with dyslexia, appointed by the State Superintendent of Education for a term of three years;

(8) a certified school speech pathologist, appointed by the State Superintendent of Education for a term of three years; and

(9) a member in good standing of the South Carolina Optometric Physicians Association appointed by that association’s board of directors for a term of three years.

(B) Initially, the members representing (1), (3), (5), (7), and (9) shall serve terms of five years. At the end of the first appointment term for these members, new appointments shall serve three‑year terms. All appointments must be provided to the State Superintendent by July 1, 2018. The terms of the members shall commence July 1, 2018.

(C) A vacancy must be filled in the same manner of the original appointment for the unexpired portion of the term. A member may be appointed to successive terms.

(D) The members of the task force shall serve without compensation, mileage, per diem, or subsistence allowances.

(E) The task force shall meet at least quarterly. A quorum consists of a majority of the membership of the council.

(F) The task force shall coordinate with the department and the South Carolina branch of the International Dyslexia Association in the identification of universal screening tools to be used pursuant to Section 59‑33‑520, and collaborate with the department in the creation of the reporting guidelines required by Section 59‑33‑540.”

SECTION 2. This act takes effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 33, TITLE 59 SO AS TO DEFINE NECESSARY TERMS, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE A UNIVERSAL SCREENING TOOL FOR USE BY LOCAL SCHOOL DISTRICTS TO SCREEN STUDENTS IN KINDERGARTEN THROUGH SECOND GRADE FOR CHARACTERISTICS OF DYSLEXIA BEGINNING WITH THE 2019‑2020 SCHOOL YEAR; TO PROVIDE SPECIFIC ABILITIES THAT THE SCREENING TOOL MUST MEASURE; TO PROVIDE THAT PARENTS AND OTHER CERTAIN PARTIES MAY REQUEST THIS DYSLEXIA SCREENING FOR A STUDENT; TO REQUIRE LOCAL SCHOOL DISTRICTS TO CONVENE SCHOOL‑BASED PROBLEM-SOLVING TEAMS TO ANALYZE SCREENING DATA AND PROGRESS MONITORING DATA TO ASSIST TEACHERS IN PLANNING AND IMPLEMENTING APPROPRIATE INSTRUCTION AND EVIDENCE‑BASED INTERVENTIONS FOR ALL STUDENTS; TO REQUIRE DYSLEXIA‑SPECIFIC INTERVENTIONS FOR STUDENTS INDICATED BY SCREENINGS TO HAVE CHARACTERISTICS OF DYSLEXIA; TO REQUIRE THE DEPARTMENT TO PROVIDE RELATED PROFESSIONAL DEVELOPMENT RESOURCES FOR EDUCATORS; TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RELATED REGULATIONS; AND TO CREATE A DYSLEXIA ADVISORY COUNCIL TO ADVISE THE DEPARTMENT IN MATTERS RELATING TO DYSLEXIA.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 33, Title 59 of the 1976 Code is amended by adding:

“Article 5

Dyslexia Screenings

Section 59‑33‑510. As used in this section:

(1) ‘Evidence‑based reading instruction’ means reading, writing, and spelling instruction that employs direct instruction of systematic and cumulative content, with the sequence beginning with the easiest and most basic elements, and progressing methodically to more difficult material. Each step also must be based on steps already learned. Components of evidence‑based reading instruction include instruction targeting phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(2) ‘Dyslexia specific intervention’ means evidence‑based, specialized reading, writing, and spelling instruction that is multisensory in nature, equipping students to simultaneously use multiple senses, such as vision, hearing, touch, and movement. Dyslexia specific intervention requires greater intensity, such as smaller groups, increased frequency of instruction, and individualized progression through steps, than typical evidence‑based reading instruction.

(3) ‘Multi‑tiered system of supports’ or ‘MTSS’ means an evidence‑based model of schooling that uses data‑based problem solving to integrate academic and behavioral instruction and intervention. The integrated academic and behavioral supports are delivered to students at varying intensities by means of multiple tiers based on student need. Need‑driven decision making seeks to ensure that district resources reach the appropriate students at their schools at the appropriate levels to accelerate the performance of all students to fulfill the profile of the South Carolina Graduate.

(4) ‘Response to Intervention’ or ‘RTI’ means the process of providing high‑quality instruction and intervention matched to student needs using learning rate over time and level of performance to make important instructional decisions. To ensure efficient use of resources, schools begin with the identification of trends and patterns using schoolwide data and grade level data. Students who need instructional intervention beyond what is provided universally for positive behavior or academic content areas are provided with targeted, supplemental interventions delivered individually or in small groups at increasing levels of intensity. RTI is a process that is driven by the use of a problem‑solving model and is used for the purpose of revealing what works best for groups of students and individual students, regardless of placement.

(5) ‘Tiered instruction’ means instruction and intervention provided with increasing intensity in response to student needs. This instruction is typically provided in an RTI process depicted as a three‑tier model. Data is collected at each tier and is used to measure the efficacy of the instruction and intervention so that meaningful decisions may be made about how instruction and intervention should be maintained and layered. Tier 1 is the foundation and consists of scientific, research‑based core instructional and behavioral methodologies, practices, and supports designed for all students in the general curriculum. Tier 2 consists of supplemental, targeted instruction and interventions that are provided in addition to and in alignment with effective core instruction and behavioral supports to groups of targeted students who need additional instructional support, behavioral support, or both. Tier 3 consists of intensive instructional or behavioral interventions provided in addition to and in alignment with effective core instruction with the goal of increasing an individual student’s rate of progress. Tier 3 interventions are developed for individual students using a problem‑solving process. Students receiving Tier 3 level supports may or may not be eligible for specially designed instruction and related services in accordance with the Individuals with Disabilities Education Improvement Act.

(6) ‘Problem-solving model’ means a problem-solving method used to match instructional resources to educational need. The problem-solving model uses data to define the problem, establish performance goals, develop intervention plans, monitor progress, and evaluate outcomes.

Section 59‑33‑520. (A)(1) The State Department of Education shall establish and provide training and support for a statewide MTSS framework that must contain a common data‑based problem-solving model, on‑going student assessment, and a layered continuum of supports using evidence‑based practices. As part of the assessment, a universal screening process must be used to identify students who may be at risk for problems in reading, math, writing, and social‑emotional development.

(2) Beginning with the 2019‑2020 School Year, a local school district shall use the universal screening process to screen each student in the district who is in kindergarten through second grade three times each school year as part of the district’s universal screening procedures, and any other student as required by the department, for reading difficulties, including dyslexia, and the need for intervention.

(3) In addition to screening required by this subsection, screening also may be requested for a student by his parent or guardian, teacher, counselor, or school psychologist.

(B) The district, following the universal screening procedures it conducted, shall convene a school‑based problem-solving team to analyze screening data and progress monitoring data to assist teachers in planning and implementing appropriate instruction and evidence‑based interventions for all students who are at risk, including those students who exhibit the characteristics of dyslexia. Guidance may include suggestions of appropriate tiered interventions, dyslexia specific interventions, academic and social‑emotional supports, and access to assistive technology.

(C) If the RTI process conducted by the district indicate that a student is at risk for problems, including dyslexia, the district shall:

(1) notify the parent or legal guardian of the student;

(2) provide the parent or legal guardian of the student with information and resource material regarding the problem;

(3) provide the student with appropriately tiered, evidence‑based intervention through its RTI process; and

(4) monitor and evaluate the progress of the student using a tool designed to measure the effectiveness of the intervention.

Section 59‑33‑530. The department shall provide appropriate professional development training and resources for all educators in the area of MTSS and the identification of, and evidence‑based intervention methods for, students who are at risk, including students with dyslexia.

Section 59‑33‑540. The State Board of Education shall create a reporting template that must be completed by the local school district and provided to the State Board, State Superintendent of Education, and the Chairs of the House Education and Public Works Committee and Senate Education Committee by July thirty‑first of each year of the pilot program. The template must include the following:

(1) identification of the screening tool used;

(2) the type and amount of professional development specifically applicable to dyslexia and other related disorders that is provided to faculty and staff;

(3) the number of students identified as having dyslexia or a related disorder, and the interventions employed by the school; and

(4) longitudinal data reported by grade that separately identifies academic growth for students who are identified as having dyslexia or a related disorder and provided intervention services, and students who do not receive services. Individual students must not be identified.

Section 59‑33‑550. (A) There is created a Dyslexia Task Force for the purpose of working with the department in matters relating to dyslexia. The task force is composed of nine members as follows:

(1) an education specialist appointed by the State Superintendent of Education, for a term of three years;

(2) a representative from the South Carolina branch of the International Dyslexia Association, appointed by the president of the association for a term of three years;

(3) a special education teacher with an understanding of dyslexia, appointed by the State Superintendent of Education for a term of three years;

(4) an elementary school teacher, appointed by the State Superintendent of Education for a term of three years;

(5) a middle school teacher appointed by the State Superintendent of Education for a term of three years;

(6) a high school teacher, appointed by the State Superintendent of Education for a term of three years;

(7) a parent of a child with dyslexia, appointed by the State Superintendent of Education for a term of three years;

(8) a licensed speech pathologist, appointed by the State Superintendent of Education for a term of three years; and

(9) a member in good standing of the South Carolina Optometric Physicians Association appointed by that association’s board of directors for a term of three years.

(B) The terms of the task force members commence July 1, 2018.

(C) A vacancy must be filled in the same manner of the original appointment for the unexpired portion of the term. A member may be appointed to successive terms.

(D) The members of the task force shall serve without compensation, mileage, per diem, or subsistence allowances.

(E) The task force shall meet at least quarterly. A quorum consists of a majority of the membership of the council.

(F) The task force shall coordinate with the department and the South Carolina branch of the International Dyslexia Association in the selection of the universal screening tool provided in Section 59‑33‑520, and collaborate with the department in the reporting required by Section 59‑33‑540.”

SECTION 2. This act takes effect upon approval of the Governor.

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